SENATE—*Tuesday, July 21, 1992*

(Legislative day of Monday, July 20, 1992)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Preserve me, O God: for in thee do I put my trust.—Psalm 16:1.

Eternal God, sovereign Lord of history, and Ruler of the nations, as the national election enters its final phase and pressure builds to November, we pray for the fresh wind of God to blow upon our Nation. Grant to political leaders wisdom and sensitivity to our present condition. Grant to the people an awakening to their sovereign responsibility. Help them understand that our political system will not work without their dedicated involvement.

Grant us, dear Lord, the realization that God is a transcendent reality upon which all reality depends, that He is not just a word to be inserted at the end of a political speech. Help the press and media realize that they have a responsibility to lead, not just follow; to instruct, not just inform; to constructively report the best and finest, not just the negative and worst. Restore to mind and heart the indispensable need for spiritual and moral recovery.

In the name of the Savior and Lord of history. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, Members of the Senate, this morning the period for morning business will extend until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the exception of Senator PRESSLER, who is to be recognized for up to 10 minutes.

Once the period for morning business closes at 11 this morning, the Senate will resume consideration of S. 2877, the Interstate Transportation and Municipal Waste Act of 1992.

From 12:30 p.m. until 2:15 p.m. the Senate will stand in recess to accommodate the regular party conference luncheons.

Mr. President, for the information of Senators, I want to repeat what I said prior to the recent Fourth of July recess with respect to the Senate schedule for the upcoming legislative period. We have a number of important measures to consider and limited time within which to consider them. Therefore, Senators can expect lengthy sessions throughout this period and, unless otherwise announced, beginning today, sessions and votes on 5 days of each week.

I repeat, unless otherwise announced, Senators should be prepared for legislative sessions, beginning today and continuing through the commencement of the August recess, the recess to occur for the Republican convention, 5 days a week with votes 5 days a week at any time of the day or evening, unless otherwise announced, pursuant to agreement.

I regret the inconvenience this may cause Senators, but, as we all understand, our primary responsibility is to meet our public obligations, and we have a number of important measures, including all of the appropriations bills, which we have to complete prior to the end of the fiscal year on September 30. That means that it will be necessary, in view of the relatively few remaining weeks available for legislative action, to have lengthy sessions, as I previously stated.

I thank my colleagues for their patience and understanding in this matter, and look forward to a productive legislative session.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the remainder of my leader time and all leader time of the Republican leader be reserved for use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the order, Senator PRESSLER is recognized for up to 10 minutes.

TIME FOR CAUTION IN CENTRAL ASIA

Mr. PRESSLER. Mr. President, I have requested time this morning and tomorrow morning to begin my report on a recent trip to many of the new States of the former Soviet Union and the Baltic States. My criteria may be difficult. They include building democratic institutions, respecting human rights, and creating free market economic conditions.

From July 3–19, I led a delegation that visited nine States of the former Soviet Union: Russia, Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, Belarus. We also visited Latvia, one of the three Baltic States which, like Moldova, were hostages to the Hitler-Stalin pact for 50 years.

I also believed this trip was essential because the Senate had just completed consideration of S. 2532, the so-called Freedom Support Act to provide United States taxpayer assistance and increase lending by the International Monetary Fund to the former Soviet Republics. Senators will recall that during consideration of that legislation, I offered several amendments and participated in a number of debates on whether U.S. assistance could make a difference and what minimal, reasonable conditions Congress should urge to protect the American taxpayer's investment in a time of economic recession and enormous Federal budget deficits.

Ultimately, I joined the majority that approved S. 2532 by a vote of 76 to

20. However, Mr. President, my overall impression of the nine former Soviet Republics and comparison with the Baltic States now makes me inclined to urge the other body to adopt many of the conditions passed by the Senate and oppose any conference report that takes an unrealistic or overoptimistic approach toward the former Soviet Union.

My impressions are not far from those of Henry Kissinger who, in a March article in the Washington Post, suggested that the United States limit its assistance to agriculture and technical aid. Grandiose plans in the former Soviet Union or lack of fair conditionality could, I fear, bring Congress to the point of debating who lost the former Soviet Union in just a few years if forces and personalities opposed to democracy, free enterprise, and human rights fail to gain control.

THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME

With the exception of the Baltic States, democratic hopes are far from being fulfilled in most of the former Soviet Union. In country after country that our delegation visited, I found that 1990 one-party elections had done little more than shuffle titles of institutions and shift a few people around who had been Communist Party apparatchiks.

In most non-Baltic countries I visited, some opposition exists but it is treated with open disdain or contempt by leaders elected in 1990 or actively opposed.

Mr. President, all of the countries of the former Soviet Union have signed on to Helsinki Principles of the Commission on Security and Cooperation in Europe. But none of the states of Central Asia are paying more than lipservice to the cornerstone concepts of free press, free association, tolerance of political opponents, and basic rules of fair play.

The gap between performance and rhetoric of Central Asian Republics should, by itself, make any United States assistance program highly skeptical and conditional. Free-for-all foreign aid to the former Soviet Republics gambles that by closing our eyes to actual conditions there Americans might unwittingly encourage unacceptable institutions and practices to grow up.

Mr. President, much of our information about conditions will depend on top flight Foreign Service officers from the U.S. Information Agency and the State Department knowing enough about America's priorities to produce usable unclassified reports to Washington based on those measurements. I am delighted that two personal friends, William Courtney and Henry Clark, are of that quality and have been nominated by President Bush to represent our country in Kazakhstan and Uzbekistan.

Confirmation of new envoys to the former Soviet Union should, in my opinion, not be routine. These women and men will be pioneers in somewhat hostile territory. For this reason, I will oppose efforts on the part of some on the Foreign Relations Committee to lump all the nominations together and consider as many as nine of them en bloc just prior to the August recess.

The Foreign Relations Committee and the European Affairs Subcommittee has plenty of time between now and August to look with care at each country, its needs, and the suitability of each nominee to their new post. Ramming a large number of nominees through the Senate on a short timeframe could signal that the Senate is not truly committed or serious about the monumental tasks these people face. By raising this question, I do not intend to give the impression that I personally am prepared at this moment to oppose or seek to delay any nominee. However, an orderly, constitutional confirmation process, undertaken in a careful environment, is the very minimum effort Senators owe the taxpayers and citizens of the former Soviet Union yearning to be truly free.

RUSSIA

At the beginning of my visit to the region, I was privileged to share a working dinner with a delegation from the Tax Foundation in Washington. Our hosts, Dan Witt, who serves as executive director of the foundation and David Jory, vice president of Citicorp/Citibank, joined other United States business leaders in a seminar with the Russians to plan a fair and equitable tax policy. Citibank is, of course, one of the most active companies in my own State, South Dakota, and this made me especially proud. If Russia wants foreign investment, it would be wise to follow the recommendations of the Tax Foundation for low taxes and a environment inspiring investment.

Hard working, realistic Americans from the private sector can do more with technical assistance and solid advice than armies of consultants from the State Department or Agency for International Development. I highly commend the Tax Foundation for its leadership in these efforts and I hope that many other principled American business leaders can become active throughout the former Soviet Union as an example that United States know-how and experience with free institutions are the best investment this country can make.

KAZAKHSTAN

The Tax Foundation discussions framed much of the rest of my visit to the former Soviet Union, which began in Kazakhstan on July 6. As I mentioned, I was delighted to be met at the airport by my old friend Bill Courtney, a top-notch Foreign Service officer I came to know when I first came to Washington more years ago than I like to recall. Mr. Courtney, a distinguished officer, is precisely the kind of envoy the United States should be sending to every former Soviet Republic.

During 2 days in Alma Ata, Kazakhstan's capital, I saw how difficult it is for the United States to start embassies from scratch. In all the places I visited, excellent people had come out on temporary assignments to help set up new posts. Working in uncomfortable positions, these officers have begun to set up viable embassies throughout the region.

Kazakhstan, like the other Central Asian Republics, is rich economically if properly developed. Unfortunately, in the name of socialism the Communist system has ruined much of the environment and created economic and political structures that must be overcome if the country is to progress.

I met with reporters, who asked a number of penetrating questions and sounded pro-American. I have little doubt that these people reflected well the outlook of the average citizen of Kazakhstan.

Mr. President, our best liaison with local people in all of the countries of the former Soviet Union are active representatives of the United States Information Service [USIS]. I was impressed everywhere I went with the quality and dedication of these people and believe that, in many ways, the United States Information Agency will blaze successful trails into the former Soviet Republics.

Later in my first day, I visited the chairman of the Supreme Soviet in Kazakhstan, Mr. Serikvolsyn Abdildin in his office. This was my first experience with the problem of the one-party 1990 elections. Above Mr. Abdildin's large desk in his spacious office was a portrait of Lenin, and, although he identified himself as a 30-year diplomat, I was told the man who joined us in the meeting, Nicolai Kurmangozhin, and his colleague, had spent his career in the KGB.

Mr. Abdildin noted that the current government was elected under the one-party system.

Both men claimed to be committed to democracy and CSCE principles of human rights, free press, and free association. Both hoped American investors would open up Kazakhstan in joint ventures and that a new railroad to China might provide alternative routes to export Kazakh raw materials.

That evening, during a working dinner, we were joined by Mr. Nickolay Akuyev, who chairs the Commission on Law and Law and Order in the Kazakh Supreme Soviet. Mr. Akuyev sounded very cautious about putting CSCE principles and a rule of law into place any time soon.

The dinner was also attended by Charles Bingman, a consultant who was showing the Kazakh Government how to set up a White House office structure and two experts on international arms verification, Dr. Edward Lfft and Alan French.

Following the dinner, the delegation met at our hotel with two local leaders of a free trade union, Valentina Sivrukova and Leonid Solomin. Each of them asked for more direct U.S. assistance to help them organize their union. Both complained that the overwhelming influence of former Communist Party officials and Communist bureaucrats referred to negatively as "chinovniki," were stifling the new labor movement in Kazakhstan.

I left Alma Ata appreciative of the embassy staff and of Ambassador-designate Courtney but with the strong impression that the same old Communist faces and policies remained in power. New free elections in Kazakhstan and elsewhere, respect for CSCE principles, and a cautious United States approach seem the best course of action.

UZBEKISTAN

The Government of Uzbekistan typifies the problems America and the West will face in dealing with the new States of the former Soviet Union. Another long-time personal friend of mine, Henry Clark, will be selected as Ambassador to Uzbekistan. Unfortunately he was out of the country during the visit, but we were staffed excellently by John Parker, a Foreign Service officer on temporary duty from Moscow.

I began my visit at a synagogue where the delegation spoke with Isaac Romanovich Shimonov, the leader of the congregation. Mr. Shimonov again struck me as rather cautious in describing conditions of Jews in Uzbekistan. He gave me a history of the Askenazi and Bukhara Jews in the region and noted that many young Jews were eager to leave for Israel or the United States. He mentioned that his synagogue was receiving useful assistance from the World Jewish Congress and that the greatest deficiency was in worship books and the small number of people who spoke Hebrew. He seemed concerned about the safety of Jews in Uzbekistan and said that when Secretary Baker's wife had visited he had been afraid to tell her the full story.

VISIT TO DISSIDENT IN UZBEKISTAN

We next departed for Uzbekistan, and prior to departing, Ambassador Courtney suggested that I meet with a political leader in Uzbekistan who had been reportedly beaten up. In fact, the rumor was that he had died.

I looked into this, and did make a visit to a hospital. I would like to describe that situation, because I think it illustrates what is going on in terms of the development of democracy. It was a visit to the hospital in Tashkent July 7, 1992.

Upon arriving at Tashkent, I set about trying to visit him. I was first told he probably would not be able to converse because of severe head wounds and also that it is almost certain that security people would prevent me from visiting if I tried a straightforward embassy request.

On July 7, 1992, John Parker, a Foreign Service officer in Tashkent, and fluent in Russian, and I made a sudden unannounced visit to the local hospital where we believed that Aburahim Pulatov, the chairman of the popular movement Birlik had received surgery and was being treated. We talked our way past security guards in the filthy hallways of the hospital. When we finally arrived at the room, a commotion ensued to keep us out. Then the head doctor came and said we could go in for a minute, but no pictures.

John Parker had not announced I was a visiting Senator. He had made it seem that we had some message for the beaten victim's family or something such. I do not know who the security guards thought we were, but I am sure they would not have admitted us if they knew our intentions.

Upon entering the hospital room, which was absolutely dirty, we saw two men with head wounds or bandages on their heads and black eyes. Both had had surgery and had been in the hospital a week to 10 days. They looked much better than they probably had earlier.

I asked Mr. Abdurahim Pulatov, cochairman of the Birlik, who he thought had beaten him, and he said unhesitatingly, it was done under the direct orders of President Karimov. He also explained how President Karimov's office carries out such things through a certain part of the Ministry of Justice or Interior, which reports directly to the President's office.

Mr. Pulatov said he had applied for some outdoor public meeting permits and made a speech or two. That was his crime. He was summoned to come into what is the equivalent of our Attorney General's office and was questioned. After leaving the government office, he and his lawyer had been approached by thugs and beaten up with lead pipes in full view of security people who stood and watched. He was sure it was an officially ordered beating by President Karimov, and he was sure it came as a result of his political activity.

We talked to him through a translator, John Parker, for about 10 minutes. Then the doctors came in and said I would have to leave. They asked us to leave a couple of times, as they were nervous about our presence. And they did not know exactly who we were and why we were there. At that point we took John's camera out of his bag and took a picture. The doctors objected, but we took a couple more. I took the camera and put it in my bags in case the security people tried to take the camera away from us, because I might have a better chance of holding on to it. We got out of the hospital without encountering any search or opposition.

Mr. Pulatov was very appreciative of our visit and is resolved to continue his political activities if he recovered. His lawyer, Mr. Alimov, was less talkative and seemed to be very sick. I understand that Mr. Pulatov will need more surgery on his head to have a plate put in. His eyes were swollen completely shut at first. They are now open, except he may have some damage in his right eye. But he clearly had the evidence of a very severe beating which was about 8 days old.

Later I confronted the Deputy Minister of Foreign Affairs, Fatih G. Teshabayev, about the whole matter and he told me this was an internal matter that a visiting Senator should not be concerned about. He would not deny that such a beating had occurred, and he would not discuss whether it came from the President's office, just that it was an internal matter.

I told him that I very much wanted to talk to the President about this. The President was away, ironically, attending a CSCE meeting in Helsinki.

So I told Mr. Teshabayev that until this matter was fully settled I would:

Oppose the Double Taxation Treaty with Uzbekistan, unless there was some explanation of this beating;

Oppose President Karimov's visit to the United States. Mr. Karimov requested an unofficial visit and requested to meet President Bush. I hope that is not agreed to until there is an explanation of this.

I asked for an investigation by the CSCE of the beating and what connection, if any, the Government had.

RIGHTS OF JEWS IN CENTRAL ASIA

The second thing I did on this trip was to look into human rights of minorities. I met with several Jewish leaders in the Central Asian Republic. To summarize my meeting with one of them, the head of the Jewish community at Bishkek, I met with Mr. Alexander Katsev, who is chairman of the Department of Philology of Bishkek University.

Mr. Katsev gave me permission to use his name. He was fearless. Although some of the other Jewish leaders we met within other countries admitted when Mrs. Baker was there they did not raise the issue for fear there would be reprisals in their community.

I would like to summarize what Mr. Katsev told me which was representative of what the Jewish leaders in the various countries told me, and this too raises concerns about human rights.

Mr. Alexander Katsev told me there are 9,400 people in Kyrgyztsan of whom 4,700 hold passports that identify them as Jewish. In the Soviet Union, citizens had passports by nationality, and this practice continues.

The Jews in Kyrgyzstan are Bukhara Jews as opposed to Ashkenazi Jews. That is, they migrated to what is now Bukhara, Uzbekistan, in the 10th century. They are not descendants of an

Old Testament "lost tribe." They speak and worship in Farsi rather than Hebrew. Mr. Katsev said there has been a law on the books since 1929 stating that learning Hebrew is illegal.

He said the Jewish community is very frightened. "When you do not have enough to eat, you blame someone—usually Jews." He said rumors were being spread that "Americans and Zionists are buying Kyrgyztsan."

Mr. Katsev continued that because 2,000 Jews have left since 1989, people mistrusted Jews and hesitated to do business with them. And 6,000 identified themselves as having Jewish passports in 1989—now in 1992 only 4,700 do.

The Jewish community is fearful of the new Kyrgyzstan Constitution, because it makes the Kirghiz language the official language. "Most Jewish people do not speak Kirghiz and thus will be barred from many jobs," he said.

Mr. Katsev asked me, "Can we count on your help?"

I said that I would publish any human rights violations in the CONGRESSIONAL RECORD. I asked Mr. Katsev to send me periodic reports, and I said I would publish them here in the CONGRESSIONAL RECORD.

Mr. Katsev suggested that the American Jewish community establish an Adopt-a-Country Program wherein Jewish or non-Jewish people from the United States would systematically visit the Central Asian countries on a periodic basis to monitor and report to the outside world what is really going on. "We are afraid," he concluded.

I said that I would fight in Congress to place conditions of human rights to any U.S. aid.

I also told him and his group that I would publish any violations he gave to me. I would try to hold up aid if there were violations. I would write a memorandum to President Bush. And write a memorandum to the American Jewish community leaders on their Adopt-a-Country Program which would have American people monitor what is happening.

I also said that I felt if the Jewish minority is treated unfairly then certainly other minorities would also be treated unfairly.

Mr. Katsev also said in late 1970 and early eighties that he knew that I had published some names of Czechoslovakian dissidents in the CONGRESSIONAL RECORD, and that this had been helpful. I told him of this and said I could do the same thing for the Jewish people of Bishkek and the Central Asian Republics.

But, Mr. President, I think the point here is that again we are seeing people who are fleeing to Israel and fleeing to the United States, because they are mistreated. And this is a country that the United States is giving aid to, this is a country that American taxpayers are allocating scarce resources away from education, away from the problems of Los Angeles, away from agriculture, and indeed perhaps even the American taxpayers will have to take a tax increase with the deficit.

But I think we have to condition aid, as we did in Central America, as we do in the rest of the world. And I disagree with the Bush administration wanting a straight up-or-down bill with very few conditions on it. For some reason I think that President Bush and Secretary Baker want the aid package to go forward quickly. I think they do not want it to become an election issue.

But I think all of us here in the Senate have to stand up and put on more conditions and speak up, because as I pointed out the institutions of democracy and the institutions of human rights are not being regarded in the Central Asian Republics, and I think the American people need to know about it.

A third area of criterion is development of free enterprise. That is what the American people want to see in some of these countries.

But the fact of the matter is that most of the leaders are reconstituted KGB and Communist leaders.

Mr. President, in each country I also tried to meet with poets, writers, and intellectuals. And I found that they were all acquainted with the works of Mr. Brodsky, our poet laureat, who was here in Washington last year. But they too expressed concerns about what is really happening in terms of the country's thinking, and in terms of the development of human rights, free enterprise, and democracy. I will have more to say about that in a subsequent speech.

KYRGYZSTAN

Mr. President, after Uzbekistan, the delegation journeyed to Kyrgyzstan and its capital, Bishkek. During 2 days of meetings there, we heard more reformist economic rhetoric than in the first two Central Asian countries of the trip. In addition to meeting with Kyrgyz Government leaders we also discussed the country's potential with American businessmen looking to develop the mining industry.

As a farmer by background, I always feel it is important to get out and see the people in their working environment. We visited a collective farm which was short of spare parts, seeds, and other necessities and a brewery where a portrait of Lenin and Marx hung in the office of its director. Despite economically sensible rhetoric on privatization, even Kyrgyzstan has a long way to go to match minimal conditions for United States assistance. However, I had the impression that some useful assistance could be provided.

But I did want to point out that I visited a collective farm in Kyrgyzstan, went out unannounced, where they were harvesting grain, and talked to some of the collective farm leaders. They said it was just impossible to convert to free enterprise, and very little conversion had occurred.

I also visited some business, including one beer factory in which after the tour of the factory we went into the manager's office and he had a large picture of Lenin and Marx right behind his desk. I am sure at his staff meetings in his large office that his managers and workers and so forth are impressed with the fact that he still has Marx and Lenin up in his office. We found that to be true.

In fact, in a tractor factory up in Belarus, later on in a trip, the manager of a large Belarus tractor factory which is supposed to be converted to free enterprise has a statue of Lenin in his office. But these are all reconstituted Communists.

We found the same thing to be true whether it was Turkmenistan or wherever it was, pictures of Lenin, statues of Lenin, still up in the offices of managers of businesses. So I think those fellows are hedging their bets, to put it kindly, and they are certainly not in the mood to move toward free enterprise.

GEORGIA

Mr. President, I want to just briefly touch on the issue of Russian troops, and I will cover a bit of the visit to Georgia where we met with Eduard Shevardnadze and the Governor of Gori making a side trip to Stalin's hometown of Gori and a statue of Stalin is there where we visited the Stalin museum. The difficulty was that the Governor of Gori, Mr. Valiko Doliashvili, told me that he had been fired upon by Russian troops. There is a Russian garrison at Gori. And if they disagree with what is going on they just come out onto the streets and shoot. And the Governor took me on a little car tour around and told me the last time the Russian soldiers came out was about 3 weeks ago and they had just fired on civilians, including firing on the Governor himself, a local citizen.

But this shows the abuse that the Russian troops carry out in some of these countries.

Now, Shevardnadze told me he said sometimes the local Russian troops, the chain of command is broken, they do not want to go back to the Soviet Union, because the standard of living there is lower, and they are really not operating under orders from anybody. This is very, very frightening.

So American taxpayers are indirectly supporting Soviet troops in foreign countries. And that is why I offered on this floor an amendment to get the troops out of Moldova and out of the Baltic Republics. I would extend that to Georgia.

I was disappointed in the soft approach that Eduard Shevardnadze took. He is the foreign minister again in office not by election but by coup.

They are very demanding of U.S. aid, U.S. food, U.S. energy. They are going to hold an election this fall, to their credit. But they are certainly not moving toward free enterprise. They are certainly not speaking out strongly against the human rights abuses by Soviet troops who are still there, by Russian troops, I am sorry. I have to relearn my vocabulary here.

I think that we need to conditicn aid to a country such as Georgia. I will be writing a report on my trip and sending it to each House Member and Senate Member urging that we place more conditions on that aid.

TURKMENISTAN

The least reformed of any of the Central Asian Republics the delegation visited was Turkmenistan.

A Stalinesque cult of personality seems to surround the President, Saparmurad Niyazov, whose portrait is in all Government offices and who is referred to as "the President" or "our leader" with reverential respect.

Turkmenistan is close to the Iranian border and, as in other Central Asian Republics, there is a lively competition between Turkey and Iran for economic and political influence. The future of Turkmenistan's great reserves of natural gas is at stake and the United States should work closely to assure that the gas is not used as a weapon to reward or punish States of the former Soviet Union.

WITHDRAWAL OF RUSSIAN TROOPS

Mr. President, later in the trip, I was the first westerner to go on the Russian phased array radar base in Latvia at Skrunda.

I asked them when they thought the Soviet troops would leave the Baltics. They said it would be 10 to 15 years before they could leave. That is in contrast to Mr. Yeltsin's statement made a day or two after our amendment here on the floor—he made it at the CSCE meeting in Helsinki—that the Russian troops would start to leave next year.

I point this out because these statements are analogous to what was said in many of the other places where the Russian troops remain. The troops themselves and their commanders have quite a different view. They feel they have their own line of command and they do not seem to be taking orders from Yeltsin, or at least they are not repeating what he said in terms of targets of moving troops out of those countries.

Mr. President, I would conclude this portion of my report by saying that I voted for the Freedom of Support Act when it passed the Senate. Based on my trip, especially to Central Asia, there must be more conditions placed on that act in terms of human rights, in terms of development of democracy, and in terms of development of free enterprise.

Our Embassies and our country must be a standard bearer for idealism. We have many problems in our own society. As I explained to many of these leaders, we have a deficit, we have problems of racism to deal with, we have inner-city problems. Indeed, I personally am going to go patrolling with the Orange Hats in the District of Columbia, a crime prevention group here in our Nation's Capital. So we have plenty of problems to deal with.

But one thing a good Government has to do is face up and admit the problems and not deny them or sweep them under the rug or beat up the opposition or say that they do not exist.

Also, these countries must face up to the fact that there has to be political competition, there has to be some new faces. These are all reconstituted Communists who maneuver around to be sure they have a one-party system, even though it is not called Communist, who are inclined to beat up or discredit their opposition, who will not let other parties form, who will not allow outdoor permits to be issued for political rallies, all the Western standard things.

If these countries want aid from the West, if they want to be a Western country, so to speak, they have to behave accordingly. But our Embassies out there have to be equipped with conditions on aid so they can tell them what we think the standards are. And it is not necessarily that we are imposing our standards on the world. But if we are going to be giving U.S. taxpayers' dollars there, then we have a right to make suggestions as to what the standards of conduct should be.

That is the same thing we have done with aid in all other parts of the world. In fact, I had an amendment on our aid bill to Pakistan that said if they develop nuclear weapons, they could not get aid. So Pakistan is being denied aid.

A central question of new elections to replace one-party leaders elected in 1990 is another key question Congress should consider as we work through the Freedom Support Act.

I know that the administration wants to keep this bill as clean of conditions as possible. But unless Congress speaks up, we are going to be giving aid to countries that are not respecting and are not developing democracy, that are not moving toward free enterprise and that are abusing human rights.

Mr. President, let me extend my thanks to three people who provided excellent professional and expert staff work as part of the delegation. They include Anne V. Smith, who serves as deputy director of the Subcommittee on European Affairs of the Senate Foreign Relations Committee; Dr. Bruce Rickerson of my staff; and Lt. Col. Steve Barach of the Senate Liaison Office of the U.S. Air Force.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORGEN MANUFACTURING COMPANY: A MODEL FOR THE USE OF FOREIGN MARKETS

Mr. PRESSLER. Mr. President, American companies are fighting an uphill battle against their foreign counterparts in the world marketplace. Faced with the unfair trade practices of other countries and numerous illegal trade barriers, many American companies nevertheless are meeting the challenge head-on. In spite of many hurdles, numerous U.S. companies are working hard to gain greater access to world markets—and they are prospering. These American international trade success stories do not receive the recognition they deserve.

One excellent example of the hard work, innovation, product development and improved marketing techniques it takes to succeed in the international marketplace is Morgen Manufacturing in Yankton, SD. Morgen Manufacturing recently was named to the World Trade 100. World Trade magazine singles out for special recognition companies that sustain substantial export growth over a 4-year period. In many cases, their achievements include breaking into a particularly competitive market, introducing a new product into export trade, or opening up a protected market. Morgen Manufacturing, a specialist in concrete placing and spreading equipment, successfully exports to nearly 100 countries on 6 continents.

Morgen Manufacturing, which was founded in 1950, employs 99 people in Yankton County, SD. Adjustable masonry scaffolding was the company's first product. In the late 1950's and early 1960's, Morgen Manufacturing decided to update its plant and equipment. This move allowed it to better serve its customers and has made its current success possible.

Morgen Manufacturing first entered overseas markets 20 years ago. Currently, its top foreign markets are countries in the Middle East. In 1984, the company created an international sales department to further expand its foreign markets. By working hard in foreign markets, Morgen Manufacturing should continue to thrive. Overseas markets are its future.

During the 1980's, most of the world's best concrete construction markets suffered severe economic setbacks.

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While this was happening, the overvalued American dollar caused further problems. Morgen and other American manufacturers found it more difficult to compete in foreign markets. To combat this problem, Morgen designed equipment especially for foreign buyers, built products with features superior to foreign competitors, and compared its products to similar products of foreign competitors. Through these efforts, Morgen was able to survive during a time when many other businesses failed.

Morgen Manufacturing's total sales for 1991 were $10 million. Export sales are a very important part of that total. In 1989, export sales accounted for 34 percent of Morgen's total business. In 1990, exports were 45 percent of total sales, and 1991 exports were 32 percent of its total business. Expanding its product lines and designing products superior to those of foreign competitors are two factors that have helped Morgen Manufacturing become a leader in its field.

Morgen's success has not gone unnoticed. The Department of Commerce recognized Morgen Manufacturing in 1981 by presenting it the "E" Award, and again in 1991 with the "E" Star Award. These awards honor companies for substantial increases in the volume of exports and maintaining high export levels.

Mr. President, I think this is significant because it is a small company in Yankton, SD, that has exported under very difficult circumstances.

South Dakota as a whole has enjoyed an increase in exports. For instance, in 1990, South Dakota's export to Canada were $25 million. However, in 1991, exports to Canada increased almost four times to $97 million, with total state exports at $226 million.

I say with some pride I think the Canadian-United States trade agreement has worked well in our State.

South Dakota exports a wide variety of products. Agricultural products, textile mill products, metals, and computers are just a few of my State's many exports.

Exports means more jobs for South Dakotans. For example, every billion dollars of manufactured exports creates 19,000 new jobs. In agriculture the job creation power of exports is even higher. For every billion dollars of agricultural goods exported, 22,000 jobs are created.

Part of the success of South Dakota companies' export efforts—like those of Morgen Manufacturing—can be attributed to the decision to target their sales efforts to certain markets rather than the entire world population. The State office of export, trade and marketing might have said it best: "We are more oriented to product markets than trading geography. We try to stay on top of what South Dakota manufacturers have to sell, then target countries that might be interested in the product."

South Dakotans are proud of Morgen Manufacturing. The people of my home State have a long tradition of producing high quality products. In addition, the economic environment of South Dakota is very conducive to business activities. We try to avoid excessive regulation and taxation of small businesses.

South Dakota has been working with companies like Morgen Manufacturing for many years. My home State's industries are expanding every year through competition in world markets. Support and encouragement from Government for our Nation's industries helps the United States to remain the leader in world trade.

Mr. President, I ask unanimous consent that a portion of an article from the June 1992 issue of World Trade magazine highlighting Morgen Manufacturing's contribution as a member of the World Trade 100 appear in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WORLD TRADE 100

Company: Morgen Manufacturing Co., Yankton, SD.
Exports: Construction equipment.
Sales strategy: Direct, dealers.
Foreign customers: Construction.
Top 3 foreign markets: Saudi Arabia, Turkey, Egypt.
3-year exports (% of sales, '89, '90, '91): 34, 45, 32.
Total sales (in millions): $10

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,979,997,842,299.84, as of the close of business on Friday, July 17, 1992.

On a per capita basis, every man, woman, and child owes $15,494.88—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

TRIBUTE TO COAST GUARD RESERVE UNIT PITTSBURGH

Mr. SPECTER. Mr. President, today, I wish to pay tribute to the accomplishments of Comdr. Jon W. Minor and the members of Coast Guard Reserve Unit Pittsburgh. Recently, the unit was awarded the Congressional Award Trophy as the Reserve Unit of the Year for 1991 by the Coast Guard Reserve Officers Association.

Throughout the history of the United States, we have relied on citizen sailors and citizen soldiers, ordinary men and women prepared to leave their civilian occupations to respond immediately to the defense needs of our Nation. The effectiveness of citizen sailors and citizen soldiers is wholly dependent on the ability of Reserve units to maintain their readiness. It is therefore important to recognize those Reserve units that excel in carrying out this important duty.

I was extremely pleased to learn that the Coast Guard Reserve Officers Association selected Reserve Unit Pittsburgh as the Reserve Unit of the Year for 1991. The award is due recognition for the great sacrifices willingly endured by the 93 members of the unit so that they all will be ready for any contingency. The unit's commitment to public service is an inspiration to Pittsburgh and all of Pennsylvania.

I am hopeful that the Senate will join me in congratulating Comdr. Jon W. Minor and the members of Coast Guard Reserve Unit Pittsburgh for their achievements.

HORACE AND DOT SMITH: THE FIRST 50 YEARS

Mr. HOLLINGS. Mr. President, we have heard much talk in recent weeks about family values, but I rise today to talk about the value of one family, the family of Horace and Dorothy Smith, who celebrate their 50th wedding anniversary today in Spartanburg, SC.

Mr. President, Horace and Dot Smith are the kind of standout citizens who truly define the character of a community such as Spartanburg. They have given of themselves in so many ways down through the years.

Horace Smith's truly distinguished career of public service goes back four decades. It includes 5 years in the South Carolina House of Representatives, 2 years as solicitor of the seventh judicial circuit, and nearly a quarter century in the South Carolina State. He is a past president of the Spartanburg County Bar Association and a founder of Fernwood Baptist Church. And he has been extraordinarily generous in his support of local educational institutions including the University of South Carolina at Spartanburg and the South Carolina School for the Deaf and Blind.

Dot Smith has been an active volunteer in a wide range of civic projects in Spartanburg. But, first and foremost, she has been a dedicated mother and grandmother, tremendously proud of her sons and daughter, David, Stephen, and Cynthia.

Likewise, I know how proud the children and grandchildren are of Horace and Dot. I am, too. They are wonderful friends. I congratulate them and wish them every happiness in their next 50 years together.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT 1992

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2877, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2877) entitled "Interstate Transportation of Municipal Waste Act of 1992."

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I rise today to speak on behalf of S. 2877, legislation which I have cosponsored, and I offer my sincere thanks to the lead sponsors, Senator COATS and Senator BAUCUS. This very important measure would give the States much-needed authority to regulate the disposal of out-of-State garbage. I have a personal story that I would like to relate to my colleagues, which emphasizes the urgent need for this legislation.

While some of my colleagues had the opportunity of enjoying New York City, the Big Apple, over the recess, the State of Missouri was threatened with the apple cores from New York City. The personal saga of the trash train may have reached some of you through the media, but I can tell you when a train load of stinking garbage from New York City began to wend its way back and forth across Missouri, it was a very real and a very personal threat to many Missouri communities and the people who live there.

This is a map of my State, and this is part of the odyssey of the trash train. A load of about 40 cars of rotting, maggot-filled trash arrived in East St. Louis about 2 weeks ago. An agreement had lapsed and Illinois decided it did not want it, so the trash train wended its way across Missouri and wound up in Kansas City, KS. Kansas did not want the garbage, either. The mayor of Kansas City took a very strong position that he was not going to have it in his city.

Well, the operators of the trash train thought they had a solution. They looked around and they found a town, a wonderful little community of Clinton, MO, that had some space in its landfill, so they sent trucks headed towards Clinton, MO, with the rotting, maggot-filled stench of the garbage of New York City.

I arrived in Clinton about the time of a heavy rainstorm and the first five or six truckloads of the garbage. The people of Henry County, MO, were not thrilled with the opportunity to receive this wonderful package of aid from New York City.

This is a photo of what we are talking about; this is the trash train. All of this stuff smells bad. The people who really deserve our sympathies are the railroad workers who had to handle it, the truck operators, and the landfill people who had to deal with it. For 2 weeks it simmered and boiled in the hot Sun with plenty of rain to moisten it and keep it nice and juicy. Fortunately, we were able to rely on the good media coverage, some State safety, health, and environmental laws and judges of State courts to finally turn the train around.

They finally said they would leave so they loaded it back up and they headed up this way. Last weekend it stopped in Clark County, MO.

Fortunately, the trash train kept on moving. Ultimately, it went back to New York City, where it should have been dumped in the first place.

Why is it such a concern to the people of Henry County or to any other locality that their community may be sited for a tremendous load of garbage? They realize they have to deal with their own garbage. They set up landfills in their communities. But as rulings of the Supreme Court have recently made clear, only Congress has the right to regulate interstate commerce.

A community, any community, which has a landfill right now is subject to a decision of a landfill operator. It may be in that landfill operator's own economic self-interest, to say: I've got this landfill that is supposed to operate in this community in 20 years, but I can get my money back and fill it up right now if I take this load of garbage.

The people who are not being considered in that equation are the people of the community and the elected officials, who may have planned that landfill to meet the garbage needs of that particular community for 10 to 20 years. All of a sudden, one great big stinking load of garbage from someplace else fills up the landfill.

I think that a cartoon that appeared in the St. Louis Post-Dispatch reflects the view of Missourians on the trash train about as well as I can say it. This is "The Big Apple Comes to the Midwest." Unfortunately, the picture does not do it justice, and we have not developed the technology yet to produce scratch-and-smell records of the CONGRESSIONAL RECORD which would allow everybody to have a little bit of the flavor or the odor of this trash travesty.

Mr. President, the people of Missouri are convinced that there needs to be some balance; there needs to be some way for a community, through its local, elected leaders petitioning the Governor, to say: Wait a minute; we are not ready to take all of that trash, all of that garbage from some other area.

I hope ultimately that this will lead to negotiations, economic marketplace decisions that could be made by communities through their local leadership, to say: If we can generate some revenue for our community, we might be willing to take some of this out-of-State garbage. But right now, they have very little opportunity to do that.

I believe that the measure before us, S. 2877, provides a vitally needed protection for local communities and States to say: Hold on; not so fast. Do not come in here and dump your garbage.

My State of Missouri was able to evict the train, along with Illinois and Kansas, because people in our States objected loudly and strenuously. The States were able to utilize their limited current authority effectively. The problem has not ended, however. We need to have a solution that will involve leadership of the communities and the States, the elected representatives, in having some say in how their landfills are utilized.

For that reason, Mr. President, I commend the sponsors of this legislation. I am proud to be a cosponsor. I urge the Senate to move expeditiously and give communities some means of protecting themselves against large inflows of heretofore unplanned and unexpected garbage trains. It is a very real and a very serious question for those communities targeted for such benefits from outside.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. COATS. Mr. President, as our colleagues know, we are in the midst of debate and now in position where the bill S. 2877, interstate transportation of municipal waste, is open for amendment.

The debate centers on an amendment that I intend to offer relative to one of the contract provisions of the bill. That contract provision was discussed last evening at some length. We are currently attempting to see if it is possible to resolve the issue in a way that is satisfactory to both sides, and it may be that we will not have a resolu-

tion of that until after our recess for policy lunches.

In any event, the issue before us involves the question of whether or not a State has the right granted under the provisions of S. 2877 to exercise a ban or limitation, or exercise the powers given to them under the terms of this particular amendment and bill, over contracts entered into among private parties.

The bill as written contains a provision which exempts from the authority granted to States contracts currently in existence between private parties.

The problem with that is, in this Senator's interpretation and the interpretation of a number of Governors, attorneys general, other Senators and those who have looked at the provision, that particular provision pretty much guts the intent of the bill and will not allow importing States to accomplish the purposes for which the bill is offered.

I submit for the RECORD letters from the attorneys general of two States and the Governor of my own State. Our Governor of the State of Indiana has written to me indicating that unless this particular contract provision language is removed from the bill we will not solve the problem that currently exists in Indiana. And, of course, the same situation exists in any State importing municipal solid waste from another State.

The loophole created here results from situations in which the exporter enters into a private contract with the importer, which might be a landfill operator or owner of a particular landfill.

In many cases those situations arise wherein someone related in one business form or another to the exporter becomes owner of or has a controlling interest in the landfill which receives the waste. A private contract is entered into. Often those contracts are open-ended or have renewal clauses which extends for an indefinite period of time, have volume increase clauses, have all kinds of arrangements whereby the trash would continue to flow and the State would have no authority over the flow of that trash. And that is why it is extremely important we deal with this particular provision.

Mr. President, I ask unanimous consent that a letter from the Governor of Indiana to this Senator be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Indianapolis, IN, July 17, 1992.

Hon. DAN COATS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR DAN: I believe we share a concern that language exempting preexisting contractual relationships from out-of-state waste restrictions may create undesirable loopholes in the federal interstate waste legislation.

I appreciate your effort to try to eliminate this language from the legislation and I wholeheartedly support it. The United States Constitution protects private contracts. Every state has a well-established body of contract law. Courts have experience in dealing with the issue of the applicability of changes in law to pre-existing contractual relationships. I think that the inclusion of specific language on this issue is bound to muddy the waters and lead to unanticipated problems.

We had an experience with this very problem in Indiana a couple years ago. A bill passed our legislature imposing a solid waste disposal fee, but exempting disposal pursuant to preexisting contracts from the fee. This created such problems that the exemption was subsequently repealed.

Thank you for having your staff discuss this with my office.

Sincerely,

EVAN BAYH,
Governor.

Mr. COATS. I am also in receipt of a letter from Mr. Frank Kelley, dated July 21, which says:

We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Oklahoma, Kentucky, Michigan, Wisconsin and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

I might parenthetically add here, in many States it exceeds the thousands of tons by several hundreds of thousands and sometimes reaches into the millions of tons per year level.

Attorney General Kelley goes on to say:

When the Senate returns, you will have the opportunity to pass legislation giving states and communities a greater voice in their solid-waste disposal. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

To correct this problem with S. 2877, Senator Coats will offer an amendment to tighten the language regarding the grandfathering of existing contracts. Under the Coats' amendment, only written contracts executed by an affected local government, or as a result of a host agreement between an owner or operator of a landfill or incinerator and an affected local government, would be grandfathered. This language is consistent with the intent of S. 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs, and it closes the loophole that threatens to circumvent the effectiveness of the bill.

We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877.

That letter was addressed to various Senators in this body.

Mr. President, what is spoken of here is the loophole in section 4011(a)(1)(C)(ii) which is exactly the loophole which my amendment addresses and attempts to modify.

I also submit for the RECORD a similar letter by the attorney general for the State of Ohio and ask unanimous consent that both the letter from Mr. Kelley, from Michigan, and Attorney General Fisher, from Ohio, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, July 21, 1992.

DEAR SENATOR: We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Oklahoma, Kentucky, Michigan, Wisconsin and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

When the Senate returns, you will have the opportunity to pass legislation giving states and communities a greater voice in their solid-waste disposal. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

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We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877. Thank you for your support.

Sincerely,

FRANK J. KELLEY,
Attorney General.

ATTORNEY GENERAL OF OHIO,
Columbus, OH, July 20, 1992.

DEAR SENATOR: We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Michigan, and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

When the Senate returns, you will have the opportunity to consider legislation to give states and communities a greater control of their environmental destinies. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid

waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

To correct this problem with S. 2877, Senator Coats will offer an amendment to tighten the languages regarding the grandfathering of existing contracts. Under the Coats' amendment, only written contracts executed by an affected local government, or as a result of a host agreement between an owner or operator of a landfill or incinerator and an affected local government, would be grandfathered. This language is consistent with the intent of S. 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs, and it closes the loophole that threatens to circumvent the effectiveness of the bill.

We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877. Thank you for your support.

LEE FISHER.

Mr. COATS. Mr. President, let me note what we are talking about here is the ability of a State in the public interest to impair a contract entered into between private parties. As the Supreme Court has consistently held, impairment of contracts is not an absolute right as interpreted by the Supreme Court. A State action furthering the common welfare of its citizens is rarely struck down on impairment grounds despite the absolute wording of the clause. The Supreme Court has ruled in a case called *Manigault* v. *Springs*, as long ago as 1905, that the clause "does not prevent the State from exercising such powers as are vested in it for the promotion of the commonwealth * * * though contracts previously entered into between individuals may thereby be affected."

In other words, the Court has consistently ruled that the State does have the power to impair contracts if it is in the public interest. This case, *Manigault* v. *Springs*, 199 U.S. 473, 480 written in 1905, is the prevailing doctrine on the impairment clause.

I would also cite the case *Home Building and Loan Association* v. *Blaisdell*, 290 U.S. 398, 444, written in 1934. The Court has ruled further that "the reservations of the reasonable exercise of the protective power of the States is read into all contracts."

In another landmark case, *Fisch* v. *General Motors Corp.*, 169 F.2d 266, 270, issued in 1948, the Supreme Court ruled that "Rights secured even by private contract may be abrogated by subsequent legislation."

I would point out that the language in the amendment I am offering in no way diminishes the constitutional protection of contracts. That protection is still afforded by the Constitution and that in no way diminishes the protection offered by various State laws. That protection is also still offered.

All we are attempting to do with this amendment is return to the position of status quo that is established in the bill relative to the exercise of authority by various State to control the flow of trash into their States. That is the authority granted by S. 2877. I think the private contract clause undermines that authority and we are simply to return to that.

We are not seeking, here, additional authority to States to ban or limit trash. We are simply trying to return to the authority granted in S. 2877, as approved by the committee, relative to the authority to deal in this matter.

Mr. President, I see other Senators on the floor who may wish to speak on this bill. As I indicated to my colleagues, we are attempting to negotiate a satisfactory resolution so this amendment can be offered without lengthy debate and, hopefully, approved by both sides.

We entered into a somewhat contentious discussion of this last evening. I am hoping we can avoid that today. We probably will be able to make a determination on that when the Senate returns from its recess this noon.

With that, Mr. President, I yield the floor.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, interstate municipal waste transportation may sound like a dry and technical subject or a wet and smelly subject, but to Pennsylvania families and communities, the impact of out-of-State trash is very real and dramatic. Our State receives more out-of-State municipal waste than any other—over 3 million tons in 1991. Already, 1992 trash imports are running 44 percent higher than that. The result, on the ground, where people live and work, is thousands of trucks on our roads and highways, rumbling through residential communities to landfills that often stretch as far as the eye can see. Their smell can stretch even farther.

We have been concerned about landfill safety and environmental protection for years in our State. In fact, Pennsylvania has some of the toughest safety standards in the Nation, including requirements that landfills be double-lined and undergo extensive air and ground water monitoring.

Today, the Senate considers S. 2877, introduced by Senators BAUCUS and COATS. The core of this legislation is section 412 of S. 976, the Resource Conservation and Recovery Act Amendments of 1992.

I commend Senator BAUCUS for his work as chairman of the Environmental Protection Subcommittee in bringing this bill to the floor now. It is especially important in light of recent Supreme Court decisions which leave Pennsylvania virtually powerless to control out-of-State waste imports.

It is essential for Congress to act now to give States like Pennsylvania the authority to preserve their own landfill capacity for their own municipal waste needs.

This bill includes several provisions that I offered in the Environment and Public Works Committee. Under one such amendment, Governors of States that import high volumes of municipal waste could limit out-of-State waste to 30 percent of all disposed waste at its landfills. This cap will ensure that Pennsylvania, with its tough safety standards, will not be suddenly buried under a new tidal wave of trash, trash which had been going to States whose landfills will be closed for failing to comply with new, more protective standards.

Our State has also taken the lead in cutting down the volume of solid waste. We have stopped throwing away our trash like there is no tomorrow. Our statewide recycling program includes more communities than in any other State. In 1991 alone, Pennsylvania recycled 850,000 tons of municipal waste, an amount equal, I might note, to the out-of-State waste that we received in just the first quarter of 1992.

But our success at cutting down the mountain of trash should not make it easier for our neighbors to avoid making the same effort by simply shipping their trash to be buried in Pennsylvania.

States like ours must have the ability to maintain control over their limited landfill space and protect our economic and environmental resources for the future generations. This bill will give us that control over our own destiny.

The first responsibility of Government is to protect the public health and safety. For years, out-of-State trash has been increasingly threatening the safety of Pennsylvania communities and the health of Pennsylvania families. Our Governor has kept environmental protection at the top of his priorities, making the kind of sustained commitment which is essential for Government to work.

With recycling and landfill safety, Pennsylvania has taken sustained, effective action. But now we need congressional action to deal with the job of controlling out-of-State waste. Mr. President, I urge that we take that action by supporting this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, a week ago a train filled with 2,200 tons

of garbage sat rotting on the railroad tracks in Kansas City, KS. Like the infamous garbage barge that left New York City 5 years ago and wandered from State to State and country to country searching for a site to dump its cargo, the garbage train made its way westward from New York into America's heartland looking for a similar place to heap its trash.

Much has been written about the garbage train, and I expect much more will be said about it during the course of this debate. It is a stark reminder of a problem that many of us from the Midwest have been talking about for the past 2 years.

Officials in Kansas City could do little to stop the New York garbage from coming to their community. Unfortunately, garbage is considered a business, and the U.S. Supreme Court has ruled that States cannot interfere with interstate commerce. Unless Congress acts and passes the legislation before us, local and State officials will continue to be powerless to address the problem.

Kansas is on the front line in this battle. Landfills in States such as Pennsylvania and Indiana have already been filled to capacity with garbage from outside their borders. As these landfills close, garbage haulers have begun looking westward for new sites in States like Kansas, Oklahoma, and New Mexico.

Two years ago, when Senator COATS brought this issue to the Senate floor, Kansas received no east coast trash. I remember his warning that the problem would move westward if we did not act. Since then, out-of-State garbage haulers have attempted to dump garbage in at least four different landfills in my State. In fact, for several months bales of New Jersey trash were buried in a McPherson, KS, landfill that health officials have said is leaking cancer-causing compounds into nearby aquifers.

Today, I rise in support of S. 2877, the Interstate Transportation of Municipal Waste Act. I was an early cosponsor of legislation that would have given State officials even more authority to stop out-of-State waste from coming into their borders. However, I realize the problems an immediate ban would have on some exporting States, and I believe the compromise we are debating today is appropriate and reasonable.

Some of my colleagues will come to the floor today and say this is not the time to act and that the issue should be considered in the broader context of the reauthorization of the Resource Conservation and Recovery Act. I agree. Ideally that is where we should deal with this issue. Unfortunately, there are a limited number of days left for Congress to consider comprehensive RCRA legislation. Given the complexity and controversy surrounding many of the issues in the bill, it is unlikely that Congress will act on it before the end of the session. I am unwilling to wait to address this issue in a bill that may or may not be considered this session as more and more trash is shipped to Kansas.

Mr. President, the bill before us today will encourage exporting States to speed waste management programs such as recycling. It will encourage the development of interstate and multistate garbage disposal agreements. While the bill will not necessarily prohibit States from taking out-of-State trash, it ensures that when negotiations to bring garbage into a State begin, local and State officials will have a seat at the bargaining table.

The bill before the Senate today will give States and local communities clout in the national waste management debate. Those States that long have enjoyed the benefits of large populations now face one of its burdens. Those of us from less populous States stand ready to help ease that burden—but not by assuming it.

Mr. COATS. Mr. President, I also would like to submit a letter that we received, addressed to Senator BAUCUS and signed by the attorneys general of five States. I had previously submitted individual letters. This is a joint letter, signed by the attorney general of Ohio, the attorney general of Illinois, the attorney general of Indiana, the attorney general of Michigan, and the attorney general of Wisconsin, again, outlining their support for S. 2877, but also outlining their concerns with the contract clause which I spoke of earlier.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE OHIO
ATTORNEY GENERAL,
JULY 21, 1992.

Re the Senate RCRA Reauthorization; S. 2877.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: On July 16, we learned that S. 2877 is scheduled for debate beginning on Monday, July 20. The undersigned representatives of the midwestern states offer this joint letter of support for a number of concepts and components which we believe, at a minimum, should be evident in any federal interstate municipal solid waste legislation. We would appreciate your consideration of our concerns.

It is beyond debate that effective, enforceable state solid waste management programs play an extremely important part in the overall protection of our environment. It is only where states have the tools necessary to meaningfully quantify and plan for waste management needs by virtue of an ability to restrict or otherwise regulate waste imports that much-needed minimization and control of such waste can occur. Obviously, there is little incentive for states or communities within states to implement aggressive waste reduction and recycling strategies if their landfills can be unceremoniously filled to capacity by other states, regardless of those exporting states' utter lack of similar waste management hierarchies. On the other hand, as long as states which refuse to acknowledge their share of the responsibility for the national waste management crisis have benefit of judicial precedent which they construe to protect their practice of using other states as their dumping grounds, there is little incentive for those states to employ waste minimization and reuse or recycling techniques. Thus, an integral part of the solution of this growing national problem lies in effective long-term management, meaningful planning and the development of incentives to minimize reliance on landfills. Effective and enforceable state-by-state authorities are an integral part of this national solution.

To confound the situation, even the most reasonable, even-handed measures employed by state legislatures to allow states some control over the importation of out-of-state waste have been thwarted by the U.S. Supreme Court's reluctance to overrule or refine the out-dated principles established in the 1978 case of *City of Philadelphia* v. *New Jersey*, Most recently, the high court has stricken both Alabama and Michigan statutes which would have allowed differential, though reasonable, treatment of out-of-state waste. In the former case, *Chemical Waste Management, Inc.* v. *Hunt*, the Court struck down a state law that was designed to compensate Alabama's citizens for the increased risks and costs associated with the Emelle facility; a facility which can attribute in excess of 97% of its hazardous waste receipts to out-of-state sources. In the latter case, *Fort Gratiot Sanitary Landfill* v. *Michigan Department of Natural Resources*, the Court struck down Michigan's attempts to impose exactly the same restrictions on out-of-state waste as it imposed on the movement of intrastate waste. There, the Court went so far as to conclude that waste receipt restrictions based on district-by-district planning needs were unreasonable, even though they applied equally to allow the exclusion of both instate and out-of-state waste from certain landfills in Michigan.

The U.S. Supreme Court has thus made it clear that it looks to Congress (rather than avenues available in other precedent it refuses to apply to said waste) to define the limits of state authority in this area of "commerce." Thereby, the Court ignores the fact that waste possesses none of the traditional indicia of goods which is historically protected by the Commerce Clause. The Court ignores the fact that landfill-bound waste has virtually no value, its negative value being little more than bales of liability, expense and risk. States which create disposal capacity and assume environmental risks, let alone the social and political costs of unpopular facilities, are seemingly obligated to serve the needs of other states who have demonstrated their unwillingness to become self-sufficient.

It is therefore apparently incumbent upon Congress to decide the fate of the states, and to end the years of irresponsible dumping on states which are supposedly bound by the Commerce Clause to accept massive and disproportionate amounts of out-of-state waste by those states which have been rewarded by the decisions of the Supreme Court for their years of irresponsibility. In the process of addressing this great and pressing need, the undersigned states have marked the following cornerstones which, based on their common experiences, are essential to effective federal legislation:

1. Out-of-state waste surcharges. Congress should provide for limited waiver of the Commerce Clause to enable states to impose fees to compensate them for the costs of managing imported wastes and to reduce the economic incentives of other states to export wastes. However, it should be recognized that while states are developing self-sufficiency, a certain level of waste exportation will occur. Exportation should be available to states, at least temporarily, to relieve short-term capacity crises that will occur under the best of state programs as enforcement becomes more aggressive and the effects of reuse, recycling and reduction programs begin to be felt. States should have discretion to exempt from imported waste surcharges, waste from contiguous counties or waste management districts in adjoining states. Mutually agreeable arrangements among states for the disposal of waste should be authorized but not made subject to specific congressional approval.

Nonetheless, importing states have the right to expect that unwanted imports will be reduced as quickly as possible. The authority to levy surcharges on imported waste can ease host state burdens and can act as an incentive to exporting states to develop sufficient in-state capacity. Both exporting and importing states have the obligation to enforce against non-complying facilities and aggressively pursue reuse, recycling and reduction programs to the extent practicable.

During a transition period of three years, differential fees charged for accepting out-of-state waste for disposal could be capped. This will prevent states from imposing de facto import bans by setting prohibitively high fees on imported wastes. A formula for a maximum allowable fee should be established by federal law at a multiple of the receiving state's base surcharge on disposal of in-state waste, or a multiple of the highest base surcharge in the exporting state, whichever is greater. Setting differential fees within the allowable fee cap should be at the discretion of the receiving state with no federal involvement.

After the transition period, when states should be well on their way to self-sufficiency, there should be no limitation on the fee charged by one state for accepting another state's waste for disposal.

2. Requirements that all states must develop meaningful and complete solid waste management plans. The States which accept the responsibility for long-term planning and management of their own solid and hazardous waste either alone or in conjunction with another state(s), and which submit as evidence of such acceptance a complete plan which complies with minimum federal requirements established by U.S. EPA (including the imposition of a waste management hierarchy which allows landfilling of waste only as a last resort) should be permitted to immediately limit, restrict and/or regulate the importation of out-of-state solid and hazardous waste unless and until such time as the waste management plan is found incomplete or environmentally deficient by the Administrator of U.S. EPA. We categorically oppose any linkage between U.S. EPA's plan review and the ability to restrict or regulate waste by states which prepare and submit a plan. Import limits or restrictions should be permitted *in addition to* differential fees. States should not be forced to elect between fees or limits, but should be able to strike an appropriate balance. The undersigned would not oppose federal establishment of a ratio to determine *interim* import limits from the date of enactment until such time as a state submits its plan. After submission of a complete plan, however, the states should be given the authority to impose their own import limits.

3. Protection of existing state waste management plans and legislation. Any interstate waste legislation should make full allowance for states which have already legislatively established and which are in the process of implementing state-wide management and planning schemes. The waste management efforts in such states and the strides made by identified and approved waste planning units in such states must not be compromised, hindered, disrupted or destroyed in any way, regardless of whether the existing planning units are the state itself, the counties and municipalities within the state, or some other form of waste management unit or district approved or established in state law. With regard to waste management decisions, we support the striking of a balance between the power of the governors and the power of the municipalities and/or planning units within states. In other words, neither the local district or municipality nor the governor of a state should have the absolute right to veto each other's waste management decisions, except through the application of some predetermined criteria, such as the dependency of the existing local economy on long-standing waste imports, the desirability of maintaining a district import-export balance with neighboring districts and or neighboring states, and the overall compatibility of the district's proposed out-of-district or out-of-state waste receipts on the overall state solid waste management plan and long-term capacity needs. Under any scenario, however, it is imperative that the balance be struck by each state through their individual legislative processes, and that the Reauthorization not result in any intrusion on state autonomy in this important planning issue.

4. Recognition that the police power of the federal government and the states extends to a degree which permits reasonable effects on existing contracts which agreements thwart or do not comport with state and local planning. The supreme interest of the government in enacting laws to protect the health and safety of its citizens must be recognized in federal interstate waste legislation so that any limitation or erosion of the states' ability to effectively plan for long-term waste management is not inappropriately and expressly required to surrender to the interests of industry in preserving the terms and conditions of privately negotiated contracts by and among private parties.

To accomplish the goals set forth in this letter, the undersigned states urge Congress to take advantage of the opportunity presented in the RCRA Reauthorization to address the identified concerns. Your swift action is necessary to allow states to meaningfully manage and control the current solid waste crisis, and to limit the damaging effects of the U.S. Supreme Court's refusal to acknowledge that the nature of waste should preclude its consideration and indiscriminate protection under the Commerce Clause.

Thank you for your consideration.

Sincerely,

LEE FISHER,
Attorney General of Ohio.
ROWLAND W. BURRIS,
Attorney General of Illinois.
LINLEY E. PEARSON,
Attorney General of Indiana.
FRANK J. KELLEY,
Attorney General of Michigan.
JAMES E. DOYLE,
Attorney General of Wisconsin.

Mr. COATS. Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, we are now about to recess for our party conferences, and be back on the bill this afternoon. I very much urge Senators to come quickly to the floor immediately following the party conference lunches and offer amendments so we can dispose of this bill.

This is essentially a simple bill. We are dealing with only the interstate transport of solid waste. It is an issue which, however mundane to some people, is very, very important to many of our States and local communities that are concerned about solid waste landfills.

In many cases there is too little space. In other cases they are being filled up with constituents with which they should not be filled up.

This is not a resource recovery bill, a hazardous waste bill, a clean water bill. It is only interstate transport of solid waste. It is my hope we can dispose of these amendments and pass this bill today. It is my intention, frankly, to stay on this bill tonight until we finish it. That is not to say we will stay on this bill until 10, 11, or 12 tonight, but I would like to finish this bill this evening if at all possible. I think there is a very good chance we can and will. We do not have very many amendments. I am notified of approximately 10 amendments. Some of them are a little more important than some others. The Senator from Indiana has an amendment which may be resolved, frankly, in the next hour or two and a couple others that are somewhat important, and they, too, may be resolved.

So, again, I urge Senators to come forward with their amendments so we can finally pass the interstate transport bill today.

Mr. President, I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, at 12:30 p.m. the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are back on the transport of municipal solid waste bill. I understand that Senator DOLE, the minority leader, wishes to speak. I understand he is on his way now.

In the meantime, my understanding is that most people in our country in most States would like to have some mechanism, some way, to restrict the importation of solid waste into their States. They would like to have some way to stop solid waste from being imported into their States or limited in some way because there is a perception, albeit primarily political, that many States are receiving too much solid waste from other States.

It is true that there is a bit of disparity; that is, some States tend to export a lot more solid waste than other States, and by definition some other States import a lot more solid waste than some other States. The tendency is for the highly popular States in the East, which are high population density States which are fairly small in geographic area compared to Western States, to export solid waste to Western States that are larger in area and have less population density. There is that tendency.

I must remind the Senate, however, that virtually every State either imports or exports solid waste. Forty-two States export solid waste. I think 43 States import solid waste. So almost every State in the Union is involved in either the importation or the exportation of solid waste.

My point is very simple. We are now here considering this bill. There is a portion of the Resource Conservation Recovery Act that the Environment and Public Works Committee reported out just 2 months ago. That bill is a larger bill that included not only the provisions that are before the Senate at the moment—that is, the import transport provisions—but also included other provisions in the reauthorization of the Resource Conservation Recovery Act which would go to the problem of waste disposal, and the problem that States have insofar as there is not the land and room to dispose of the waste as there has been in prior years.

Those other provisions in the bill essentially would encourage companies to produce less waste in the first place. We Americans throw out about 4.5 pounds of waste in our garbage per person, per day. That is far more than the per person number of any other country in the world. One reason we do is because we produce a lot of waste. America is essentially a throwaway society compared with other countries. To encourage less production of waste, the bill that was reported out of the Environment and Public Works Committee included provisions to give incentives to the companies to produce less waste in the first place.

Second, there were very significant provisions in the bill reported out of our committee to encourage more recycling. We Americans can do a much better job recycling paper, newsprint, glass bottles, other packaging materials, aluminum cans. We do a pretty good job with aluminum. That is because the cost of producing aluminum in its virgin stage is much more expensive than the cost of recycling aluminum cans. But the point is we can do a lot better job recycling.

Unfortunately, those provisions are not now before us; that is, the provisions that encourage less production of waste in the first place, and provisions to encourage a lot more recycling.

Why are they not now before us? Very simply, they are not now before us because the environmental community thought the bill would not go far enough. They wanted much, much more, many more incentives to recycle a lot more. The goals in our bill were essentially to save for the glass industry, for the plastics industry, and for the paper industry, approximately 40-percent recovery rate by the year 1995, and the environmental community said no, that is not enough; we should go much further.

Business in America, the industries in our country, have also opposed the bill because they thought it went too far.

With so few days remaining in this Congress, it is my judgment to bring not those provisions to the floor, but rather only the interstate transport provisions, so that States could have the authority in some way—and in a significant way, I might add—to restrict the imports of solid waste to their own States.

This is so important because recent Supreme Court decisions this year—in fact, a couple of months ago—have held that States, absent express provision by Congress, absent express delegation of authority by the Congress, cannot on their own restrict the importation of solid waste into their own States. The commerce clause precludes that.

Therefore, we here today, pursuant to the authority of the U.S. Constitution and the commerce clause of the Constitution, giving States the authority under certain circumstances to limit the importation of waste into their States—I need not remind Senators that if they are interested in getting this bill passed, if they want to give their Governors, their local municipalities, the authority, in many instances, to restrict importation of solid waste, this bill must pass.

If this bill does not pass, the Supreme Court has held very clearly—and there is no dispute on this—that Governors, States, municipalities, counties, whatever, cannot restrict the importation of solid waste into their States.

So I am saying, as clearly as I can, that the more we load up this bill with all kinds of other amendments, and in many other areas, the less likely it is that this bill is going to pass. There are not that many days left in this Congress. We have to go to conference after we pass this bill. And if it gets loaded up in conference—and with the press of appropriations bills and the Freedom of Choice Act coming up, and what not—it may be difficult for this legislation to pass.

I encourage Senators to remember that Rome was not built in a day. We sometimes have to take things a step at a time. Senators who are interested in addressing hazardous waste provisions, Senators who are interested in addressing other related areas, I ask them to think twice before offering amendments. Those subjects can be addressed at a subsequent time next year, and by and large need not be addressed this year.

But if we want to give States the authority to restrict the importation of waste, I urge them to again not offer too many amendments on this bill so we can get it passed this year.

Finally, with the same theme, a lot of the American public is quite disgusted with the political process. Their disgust partly explains the ascendancy of Ross Perot. It is only explained by Ross Perot. I do not think anybody else can explain that. He was a Presidential candidate for some time because of the frustration of the American people with the political process. They just do not think it works very well. They are worried about gridlock. And we must admit that, in many respects, they are right. There is and has been gridlock, for all kinds of reasons.

Here it is, July 1992, in the remaining legislative days of this Congress, we in the Senate can show the people that we can do our business; we can meet people's needs. I grant you that in the whole scheme of things, issues such as education reform, jobs, and health care reform, are many areas that are probably higher on most people's minds, much more important than the importation of solid waste. But we also know that in some communities, in a localized way, this is a very burning issue.

So I urge the Senate to at least get this job done, and let us at least show to people that we can give States and municipalities the authority to restrict the importation of solid waste into their States. And we can do so if we refrain and exercise a little discipline; if we do not just jump on this bill with every amendment under the Sun; and if they are offered, then we vote them down so we can get this bill passed and give the States this authority.

Mr. President, I urge Senators to come to the floor with amendments. This is the second day we have been on this bill. Not one amendment has yet been offered.

I must say, Mr. President, that there may come a time, either this evening

or tomorrow, after giving notice of maybe a couple of hours to Senators that they should come to the floor with amendments, that if no amendments come to the floor, I will ask for third reading.

I think that most Senators believe that too often we are a little too deferential to Senators, and we wait a little too long, and we go too many extra miles waiting for Senators to come to the floor and offer amendments.

I am one Senator, as manager of this bill, who will push for earlier—rather than later—third reading of this bill because, frankly, I think that after giving appropriate notice to Senators to come to the floor with their amendments, if they still do not come with them, we are doing the Senate and the Congress and the public proper service by going to third reading and getting this bill passed.

I yield the floor.

Mr. CHAFEE. Mr. President, I want to join in the distinguished floor manager's plea on several fronts. First, for those who have amendments, bring them over. Second, that we not have nongermane amendments; that is, amendments that are not pertinent to the interstate transportation of municipal waste, namely trash or garbage.

I believe very strongly that we should not have any amendments that do not deal with that particular subject. Indeed, I will oppose them all, as the floor manager has himself indicated, because otherwise we are going to get bogged down.

We have a major Resource, Conservation, and Recovery Act amendment legislation that we have reported out of the Environment Committee, and that will get to the floor either this year or next year. We will revise it in committee and bring it back. It will get to the floor eventually. And that is where we ought to consider amendments that deal with the subject of RCRA.

The only subject before us today is the matter of interstate transportation of municipal waste. So let us get on with that. If people have amendments, bring them over and let us vote them up or down.

Meanwhile, I hope that these negotiations involving the so-called Coats amendment can be brought to successful fruition. If those negotiations work out, I think we can finish this piece of legislation before dinner tonight—before 5, 6, or maybe 7 o'clock.

So I urge those Senators who have legislation that is pertinent to the underlying bill to bring it over and let us vote up or down on it.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. The leader time was reserved.

The Senator from Kansas, the Republican leader, is recognized.

THE CLINTON-GORE TICKET

Mr. DOLE. Mr. President, as the Clinton-Gore bus tour continues to motor across America, it appears some journalists cannot see through all the exhaust, and some must have been overcome by fumes. But behind the so-called moderate motor coach smokescreen of the Clinton-Gore spin doctors are some very important facts—the outright liberalism of the Democrat ticket, the liberalism reflected in the RECORD if not on the pages of most American newspapers and most television commentary.

So far, it looks like a media blackout on the liberal records of these two candidates. And when the Democrat convention turned out to be a ratings bomb, at least one network immediately cranked up its censorship machine, claiming that Republicans may have to settle for even less coverage than the Democrats at our Houston convention.

So, while Republicans can look forward to even less coverage—something we are used to up here—the media boys on the bus are booming out the happy message: "Clinton-Gore—a moderate, centrist, middle-of-the-road, conservative, traditional all-American ticket."

With hype like that, the Clinton-Gore team will not have to spend a penny on TV commercials—that is a pretty nice perk.

It is all coming free, from the liberal commentators on network news, on all the liberal newspapers and radio, saying what a moderate, conservative, centrist ticket this is.

In fact, I must say when we spoke to this yesterday there must have been a blackout or maybe the news media outlets were all closed yesterday because it does not seem to make any difference. You cannot make a responsible critique of the Democratic plan and expect any coverage from the liberal media.

LIBERAL MAKEOVERS

But no matter how many times they call themselves moderate, no matter how many times reporters swoon over the Clinton-Gore moderate makeover, the Clinton-Gore ticket is still a big liberal ticket, a ticket the American people simply can't afford.

And because the media blackout is still in effect when it comes to the records of Bill Clinton and AL GORE, I want to underscore the facts by repeating much of what I said yesterday, adding disturbing new statistics about Bill Clinton's tenure as Governor of Arkansas, facts people in 49 other States ought to know about.

Clinton-Gore is a liberal ticket that will cost working America dearly, with billions and billions of dollars in new taxes, wild spending and the biggest government the taxpayers' money can buy.

That is why the Democrats turned Madison Square Garden into a giant repair shop where old, broken-down liberals became shiny new moderates, and where a tired old agenda became a fresh new covenant.

But all the body work, and all the makeup in the world cannot conceal a voting record. It is public information. It is out there. All you have to do is look it up.

Let us face it, Clinton-Gore is really Clinton-more—M-O-R-E: More taxes, more spending, more government, and more of the failed liberal agenda the American people have rejected year after year.

Bill Clinton calls for tax increases twice as big as those proposed by Mondale and Dukakis combined. And Clinton backs Federal spending increases three times as large as those proposed by Mondale and Dukakis combined.

Governor Clinton calls his own budget proposal "putting people first," but it looks more like putting people on the unemployment line. The Clinton plan would jack up taxes $150 billion in 4 years, and boost spending by $220 billion. Now, Governor Clinton and his handlers will tell you that their taxes are aimed at the fat cats on Wall Street, but they are really hitting the little guy on main street. Let me tell you why.

You see, the Clinton tax plan mandates nearly $70 billion in new payroll and employer taxes on small- and medium-size business to fund extravagant spending programs.

That is small business, that is small businessmen and small businesswomen in every State in the Nation. Including Arkansas and Tennessee.

Reportedly, his new taxes and radical defense cuts would cost working and earning America 2½ million jobs.

So, let us look at the record, starting with Bill Clinton's tenure as Governor of Arkansas.

First, Bill Clinton has raised taxes or fees 128 times.

Second, taxes in Arkansas are $397 million higher on an annual basis than when Clinton took office.

Third, State spending has more than doubled since 1983, jumping from $1.1 billion in 1983 to $2.4 billion in 1992.

Fourth, Clinton has doubled the State's debt burden since 1983.

Fifth, since that time, the unemployment rate has remained above the national average, and personal income in Arkansas grew slower than the national average every year but one.

Sixth, Clinton has created the biggest bureaucracy Arkansas taxpayers

can buy. Arkansas has 70 percent more State government employees per resident than New York. And they have a lot.

So, now we know all about taxes and spending. But what does Bill Clinton have in mind for cutting spending?

As for spending cuts, Governor Clinton has specifically targeted only 2 programs out of 1,800 Government accounts—the Pentagon, which is already being sensibly downsized, and the Honey Bee Program. In a still uncertain world, Governor Clinton would gut national defense by nearly $60 billion—that is on top of the $50 billion in defense savings already proposed by President Bush, and above what the Democrat chairmen of the Senate and House Armed Services Committees say they can support.

And ask the more than 1 million service men and women, and defense workers, who would be thrown out on the street by these radical cuts, and they will tell you gutting—not cutting—defense hardly puts people first.

Governor Clinton even proposes to save $10 billion with the line-item veto. I am all for the line-item veto—it is too bad Governor Clinton's allies in Congress, and his own running mate, are not.

Governor Clinton must be assuming that the American people will elect Republican majorities in both Houses of Congress, Republican majorities that are dedicated to deficit fighting tools like the line-item veto and the balanced budget amendment.

But, do not take my word for it. Ask the distinguished chairman of the House Budget Committee, who told the Washington Post that Clinton "doesn't frankly confront the issue of how we reduce the budget deficit. * * * I don't see how he can take the level of revenues he's talking about or the spending cuts he's talking about, or the spending cuts he targeted, and simply pump all that into added spending." That is not a quote from BOB DOLE from Kansas, a Republican, or PETE DOMENICI, ranking Republican on the Budget Committee; that is a quote from the Democratic chairman of the House Budget Committee, a well respected chairman named LEON PANETTA.

So here we are, more taxes, more spending, and fewer jobs do not sound like putting people first—it all sounds like putting America down.

The bottom line is, Bill Clinton wants the American people to believe that he is driving them down the middle-of-the-road. But look at his map—the Democratic platform—and the American people will see there is a sharp turn to the left coming.

It is the same old left turn to its traditional leftwing, out-of-touch, special interest agenda: It is antibusiness, antifamily, antidefense, antijobs, antigrowth, and antisuccess.

That is why the democratic delegates soundly defeated the pro-business, pro-growth planks forwarded by Paul Tsongas supporters, planks described by the New York Times as minority planks. I thought they were pretty good ideas. The bottomline is still the same: If it is not liberal, forget it, just as the New York Times does in nearly every case.

But do not take my word. Again, I will quote another Democrat. Listen to our former colleague George McGovern, a dedicated liberal who knows one when he sees one, and this is how he sees Clinton-Gore: "I have a hunch they are much more liberal underneath, and they will prove it once they are elected."

That did not come from this Senator. It did not come from any other Senator. It came from a former colleague who ran for President in 1972, a professed, proud liberal by the name of George McGovern.

Now, the media can label the Democrat ticket moderate all they want, but how long can they ignore the record?

While the moderates were voting yes, Bill Clinton's running mate was voting against the Reagan budget cuts, the Reagan tax cuts, the balanced budget amendment, the line-item veto, the capital gains tax cut, entitlement spending caps and cutting the *Seawolf* submarine.

While the moderates were voting yes, Bill Clinton's running mate was voting against tough anticrime measures such as habeas corpus reform and exclusionary rule reform.

While the moderates were voting yes, Bill Clinton's running mate was voting against education choice, workfare, the flag amendment, school prayer, AIDS notification by infected doctors, and consideration of the national energy policy.

And, while the liberals were voting yes, Bill Clinton's running mate was right there, too, voting for the Democrats' tax increase bill, the Democrats' quota bill, taxpayer campaign funding, and Pell grants to prisoners.

So if you look at the record of the Democrat ticket, they have already proved they are first-class liberal credentials. There is nothing wrong with that, nothing wrong with that. If you want to be a liberal, that is fine, so long as you stand by that voting record and not run from it when it is time to get elected.

So let us have a little truth in advertising. Let us have a vigorous debate on these issues. I have heard President Bush browbeaten, bashed by people in this body because President Bush has a record. Well, now the ticket has a record, and their record is going to be discussed and subjected to critique just as President Bush's record has been.

So let us have a little truth in advertising. Let us have a vigorous debate on the issues and let the American people decide, but let us make certain they have the facts and not the fakes.

Mr. President, I made a statement pretty much like this yesterday and because of the news blackout—apparently the media was closed yesterday; I did not know they were not open on Mondays—I felt compelled to make it again today, and I may make it again tomorrow because the media has already proclaimed this is a moderate, centrist, and conservative ticket. They cannot sell that to the American people, they cannot sell that to people in Arkansas, Washington, or Kansas, or any other State because if people are going to demand a man of Ross Perot, what do you really believe?

Like I said yesterday, I enjoyed the convention. The Democrats had a good convention. I personally like the ticket. I like my colleague from Tennessee. We do not often agree on many issues, but facts are facts. We are not dealing with who had a good convention, who made a lot of noise. We are talking about what is good for America and what is good policy for America.

Hopefully, this blackout by the media will end, maybe in the next 30 days. Maybe the media will decide to report something about philosophy, where are they going to take America, not what they say they are, but what does their record reflect they are? That is what it is all about.

So I hope in the next few seeks we will have this debate. There is no hesitance on the part of my colleagues on the other side to jump all over President Bush to dissect everything he does, and I think now it is time to start taking a look at the record on the other side.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I was not planning to participate this afternoon in this discussion, but I must say I was sitting in my office, Mr. President, and I heard my very good friend, the distinguished Republican leader from Kansas, who was on the floor who was berating the Governor of Arkansas, my home State's Governor, and saying some things about that Governor that I feel need to be challenged.

Mr. President, first, last week in New York, I looked at a newsstand and happened to see on that particular newsstand a copy of U.S. News & World Report. I do not have that copy with me today, but I carried it with me last week because the cover of U.S. News & World Report last week in that issue had a picture of Gov. Bill Clinton of Arkansas on the front cover, and the caption was: "Is Bill Clinton the Man Nobody Knows?"

Mr. President, I am privileged to know Bill Clinton. I have known Bill Clinton since he was 19 years of age. The first time I ever had the opportunity to shake his hand was in 1966. I will never forget the scene. It was in front of the Arkadelphia, AR, fire sta-

tion. It was a hot afternoon in July when a young student named Bill Clinton was standing in front of this fire station in Arkadelphia, AR, handing out campaign cards for a gentleman that he thought should become Governor of our State.

That individual who he campaigned for, Mr. President, was not elected. Someone else was elected. But I had the privilege that afternoon of shaking his hand as I was handing out campaign cards for myself. I was running for the U.S. Congress that summer. In fact, little did I know but I would soon be joining in the House of Representatives the very distinguished occupant of the chair at this moment of the U.S. Senate, the distinguished Senator from Washington.

Mr. President, after shaking Bill Clinton's hand, visiting with him a few moments, I got back in our car. My wife and I were driving to the next campaign stop, looking for the next hand to shake, and I said, "Barbara, I have just met an outstanding, an outstanding young man."

Throughout those years, Mr. President, our paths have crossed on many, many occasions. I have had the privilege of knowing him, knowing his family, and I can truthfully say, that on last Thursday evening sitting in Madison Square Garden, I do not think anyone could have been more happier than myself, nor the delegates from the State of Arkansas who were there, nor the people of the State of Arkansas who were sharing this euphoric moment watching it on the television sets or listening on their radios back home. It was a special moment for our State, a small State, a poor State, 2.4 million people. And as we say, a State, Mr. President, where the people know the politicians by first name and the politicians know the people by their first names. We basically sort of know each other in the State.

And especially, Mr. President, the people of Arkansas know our present Governor, who has been on the Arkansas ballot on 17 different occasions—17 different occasions. The people of Arkansas know our Governor, Mr. President. They know our Governor, and they keep returning our Governor to office. In fact, he has not only served our State now longer than any other Governor in our history, but, Mr. President, he was voted a year-and-a-half ago by his fellow Governors, Republican Governors and Democratic Governors alike, as the most effective Governor in the United States of America—the most effective Governor in the United States of America. Not just Democratic Governors, but Republican Governors joined together in that selection.

You and I know, Mr. President, what is happening. The Democrats had a very good convention. Our party left that convention more united, more together, more unified than at any other time in this Senator's life. Mr. President, when we left New York, the Republican Party said, "We've got to do something, and if we don't, we're getting ready to see the White House taken over by the Democrats."

So they started yesterday: My friend from New Mexico came to the floor yesterday. It was his time in the box. Our friend from Kansas comes again today to some degree to repeat what he said yesterday. At 3 o'clock this afternoon, Mr. President, that is 2 minutes from now, it is my understanding that the distinguished Senator from Texas, the junior Senator, is going to be holding a press conference and he is going to be adding his 2 cents' worth about the so-called Clinton economic plan.

Mr. President, I am wondering why we do not have someone from that side of the aisle, anyone from that side of the aisle, talking about Mr. Bush's economic plan. I will be glad to stand here and explain to my colleagues on the other side of the aisle, should they so desire to hear it, about the 12 times—12 times—that I have seen Governor Clinton balance the budget in Arkansas, and about the zero times that we have seen President Bush balance the budget in Washington, DC. I will be glad to discuss the records, Mr. President, of these two executives, one of the richest nations in the world, and one of the executives of one of the poorest States in America.

I know that my colleague and friend from Kansas talked about all of the times that Governor Clinton has raised taxes on the people of Arkansas. I think it might be well stated at this time, Mr. President, just to remember that the tax burden of the State of Arkansas—maybe this is good, maybe it is bad, I do not know, but the facts are: The tax burden on the people of the State of Arkansas is the second-lowest in the United States. That is not what I would call a wild, liberal tax-and-spend politician; the second-lowest taxes in the United States of all the States is the State of Arkansas.

Maybe we need to pay more taxes. Maybe we need to pay fewer taxes. I do not know. But I think it is time that we set the record straight and that we talk about the facts. I would like to serve notice that when our colleagues on the other side of the aisle get up here and talk about issues that are not fact, maybe they do not have all the facts, but when these facts are not forthcoming, I am going to stand here and I hope I will be joined by my colleagues to straighten out the record, and that is exactly what I am doing today.

Mr. President, we have talked from this side of the aisle also a little bit today about jobs, economic growth in our State of Arkansas—once again, a small State, a poor State. But while George Bush has taken the world's richest nation and we have seen what has happened to its economy, Mr. President, Governor Clinton has created manufacturing jobs at 10 times, 10 times the national rate. Arkansas, in fact, today, Mr. President, once again to straighten out the record—let us talk about the record—ranks fifth nationally in job creation under the stewardship of Gov. Bill Clinton.

Now, Mr. President, I hope this does not go on every day from now until the election. I hope that we do not have to come here and make the Senate Chamber a forum for debate of the Presidential election, 1992. I hope that forum is going to be somewhere else. I hope it is going to be out there in Kansas or in Rhode Island or in Arkansas or in Montana or in Washington State. That is where it should be. But when the record is not presented fairly, when the record is a record that does not exist, Mr. President, I am going to stand here and try my best to straighten it out and make certain that the facts are known.

Mr. President, I want to thank the Chair for recognizing me, and I believe the Senator from Kansas—does he have a question? I will yield the floor, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator yields the floor. The Senator from Kansas is recognized.

Mr. DOLE. I ask that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator is recognized for 5 minutes.

Mr. DOLE. First I want to indicate, as I have many times on the floor, my respect for the Senator from Arkansas. I want to also indicate I never had any personal thing bad about Governor Clinton or AL GORE. They are friends of mine, as far as I know. But I think we are talking about philosophy and policy for America.

I must say I have not noted any reluctance from my colleagues on that side jumping on George Bush for the past 4 years. If we are going to have a time out now because the Senator has a candidate, and we have had a candidate, and you will not talk anymore about George Bush, I hope the Senator will notify his colleagues not to come to the floor as they have done for almost 4 years, the last 2½ particularly, in the last 6 months specifically, day after day after day after day with distortions and inaccurate statements about President Bush.

Now, the fact that he balanced the budget in Arkansas, it is required by law, and I point out he has an overwhelming majority in the legislature. Democrats control both the House and Senate in Arkansas. George Bush has a Congress controlled by Democrats. If he had a Republican Congress, he would balance the budget, too. So we can play all those games.

And we also have a growth package. I am glad the Senator from Arkansas brought it up; we might pass it right after we finish the bill that is pending: First-time home buyers tax credit, penalty-free IRA withdrawals, capital gains rate reduction, investment tax allowance, pension fund, real estate investment, passive loss relief, simplify AMT depreciation. So we have had a growth package around for a long time. Unfortunately, we cannot get the Democrats, who control the Congress, to bring it up.

So, having said all that, I think we are going to have a lot of debate on the floor. I do not disagree with the Senator from Arkansas. If we say something that is not true, you ought to be right down our throat. And the same goes the other way. If somebody is over there pounding on George Bush and they cannot back it up with facts, then we ought to be permitted to do the same thing.

Now, the press has already decided that the Democratic ticket is the greatest ticket since sliced bread, and they have already proclaimed they are moderates, out there cheerleading for the Democratic ticket. I do not know what else the Senator from Arkansas can ask for.

We have a regular blackout for George Bush. Unless it is negative, he does not make the news, and nobody makes the news on his behalf. If the Senator from Arkansas said something bad about George Bush, he would be on the evening news. If you defend George Bush, that is not news. So there is sort of a double standard in the media and we understand that. But the American people see through it.

So I just say I can talk about the Clinton nomination and all those things and about the record in Arkansas, and certainly I do not know it as well as the distinguished Senator from Arkansas and I do not mean to suggest that it is all bad. I assume every State has problems. But I think philosophically we have a liberal ticket and a conservative ticket. We may debate that every day on the floor if we can get the time. So I thank my colleague from Arkansas. Certainly I have the highest regard for him. I think it is fine. I think he can talk about his liberal ticket, and we will talk about our conservative ticket, and we will let the American voters decide in November which ticket ought to be elected.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I see my good friend from Arkansas on the floor and I would like to ask him a couple questions if I might.

I would like to harken back to the statement he made that Governor Clinton deserves considerable praise because he has submitted 11 consecutive balanced budgets. Am I correct in believing, as is true in every State, certainly in my State—like the distinguished Senator from Arkansas, I was a Governor likewise for 6 years. I believe he was Governor for 6 years, was he?

Mr. PRYOR. Four.

Mr. CHAFEE. Four. In our State we must submit a balanced budget. Is that true in Arkansas?

Mr. PRYOR. This is true. It is true, I say to my friend from Rhode Island. It is a constitutional requirement that we have a balanced budget.

Mr. CHAFEE. So to praise somebody for submitting a balanced budget in Arkansas is the faintest praise I have ever heard. That is no news. That is dog bites man. I think what would make news in Arkansas is man bites dog; the Governor does not submit a balanced budget. Would I be correct in suggesting that would really make the news?

Mr. PRYOR. Mr. President, may I respond to the distinguished Senator from Rhode Island?

Mr. President, my very good friend from Rhode Island—by the way, we exchanged notes today, very illuminating notes while we were sitting there in the Finance Committee, about some of these issues at hand that we are debating this afternoon on the floor. But my very good friend from Rhode Island apparently missed the opportunity a moment ago when he was not on the floor to receive the full impact of what I was saying.

The implication of what I was saying, Mr. President, is very simply this: This man, Gov. Bill Clinton, has balanced 12 budgets and he still gets reelected year after year. He has been on the ballot 17 times. He has had to establish priority. He has had to establish in our State what is most important and what is least important. He has had to say no to a lot of people and he has had to say no many times to every interest group at least once in our State. And they still support him, Mr. President. They still support him because he is fair, because he is honest, and because he does his work. That is what this campaign I think is going to be about. He has demonstrated his abilities as an executive and his capabilities, I should say, as a splendid chief executive of our State.

Mr. CHAFEE. Mr. President, I do not want to take anything away from the record of Governor Clinton. I must say there must be considerable joy in running in what amounts to a one-party State. If I am incorrect, I would be glad to be corrected by the distinguished Senator from Arkansas. But I believe there has only been a Republican Governor for 4 years since the reconstruction time, since over 100 years ago. Would I be correct in making that statement?

Mr. PRYOR. The Senator from Rhode Island is 80 percent correct. We had a period of time of 2 years there when a very fine man named Frank White was elected Governor of our State. He was elected in 1980.

And the people turned him out 2 years later and reelected Governor Clinton. This is when, by the way—I say to my friend from Rhode Island—that Arkansas Governors had a 2-year term and had to stand for reelection every 2 years. If I am not mistaken, I think Rhode Island still has this.

Mr. CHAFEE. That is right. I served with the other prior Republican Governor, who I believe served 4 years. That would be Gov. Winthrop Rockefeller.

I would like to also point out something that the Senator from Arkansas perhaps might be interested in sharing with us. If I am incorrect, I would be glad to hear it.

Of course, what makes Governor Clinton submit balanced budgets, as the Senator from Arkansas says, is because it is in the constitution. Just before we went out for recess, once again, the Republicans tried to have a balanced budget amendment presented here. And if I am not mistaken, the Senator from Arkansas voted against that balanced budget amendment. And so did his colleague, also another former Governor of Arkansas.

So there we made an effort to require a balanced budget. Indeed, we had two consecutive votes. We had one on June 30, and we had one on July 2, just before we went out. Both times, both Senators from Arkansas voted against that balanced budget amendment, which seems strange in view of the fact that considerable praise has been heaped upon Governor Clinton because he produced balanced budgets pursuant to the Constitution of the State of Arkansas.

So we have sought balanced budget amendments here, but have not received the support of the majority of the Democrats, the overwhelming majority of the Democrats.

Mr. PRYOR. Mr. President, I do not want to stand here and debate this afternoon for or against a balanced budget amendment. That will come at another time, perhaps.

But I would like to tell my friend—if I might—from Rhode Island about the first Republican I ever saw in my hometown of Camden, AR. On that day, I was probably 7 or 8 years old. I went to the post office with my father, and he allowed me to open the combination lock on the box every now and then. We got the mail out. There was a gentleman standing in the corner of the little post office in a black suit and a black hat. I kept looking at this gentleman. He was a very tall fellow.

I said, "Dad, who is that?"

He said, "Son, that is all right; you do not want to know."

And I said, "Well, tell me about that man, Dad."

He said, "Well, his name is Skidmore Willis."

I said, "Who is Mr. Willis? What does he do?"

He said, "Son, he is a Republican, and he is the only one in our county."

And he was truly the only Republican that we had in Washington County at that time. There have been some since then, I might add. But I get along fine with the Republicans, Mr. President. Sometimes they vote for me; oftentimes they do back home. We are good friends with most of them.

But it is just time that the Democrats had the White House for awhile. That is what this great campaign is going to be about in 1992.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, for the past 2 days, it seems the Republican leader has taken the floor to launch attacks on Governor Clinton and Senator GORE. It appears as though, while Governor Clinton and Senator GORE are conducting their campaign for the Presidency across America, meeting citizens and taking their case to them, the Republican campaign is going to be conducted here in the Senate.

I hope that is not the case. The Senate has its responsibilities for action. We have a limited time in which to act on important legislative matters. And I think, frankly, that these back-and-forth charges and countercharges and bickering is precisely what the American people are sick of.

I think what the American people would like is for us to address ourselves to the problems confronting them and our society, and I hope that is what we are going to do.

Obviously, if our Republican colleagues choose to conduct Presidential campaigns here in the Senate Chamber, we will have no choice but to respond. And the business of the Nation will have to take a back seat again.

I urge my colleagues to join with us in attempting to get on with meeting our public responsibilities in attempting to enact legislation that affects the lives of the American people and that, in some way, will approve the well-being of the people of our society. That is our principal obligation. It is what we have each sworn an oath to do.

I hope that we can now return to the business before the Senate, and permit the candidates for President to conduct their campaigns out among the American people, where Governor Clinton and Senator GORE are today and have been for the past several days.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with consideration of the bill.

Mr. COATS. May I inquire what the current pending business is of the Senate, Mr. President?

The PRESIDING OFFICER. The pending business is S. 2877.

AMENDMENT NO. 2731

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2731.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 3, strike line 24 and all that follows through page 4, line 18 and insert in lieu thereof:

"(ii) a written, legally binding contract for disposal of municipal waste generated outside the jurisdiction of the affected local government that is consistent with, and was lawfully entered into after June 18, 1992, as the result of—

"(I) a host agreement; or

"(II) a written, legally binding, contract that was lawfully entered into by the affected local government and authorizes a landfill or incinerator to receive municipal waste generated outside the jurisdiction of the affected local government.

"(D) A Governor may require that contracts covered by (i) or (ii) of subparagraph (C) of this paragraph be filed with the State."

Mr. COATS. Mr. President, the subject of this amendment is the subject we have been discussing here for the last several hours on the Senate floor. The bill before us, Senate bill 2877, moves us a substantial way toward dealing with a critical national problem that is growing, it seems, almost every day, and that is the unwanted flow of interstate trash into States which either do not have the capacity to receive it or the will to receive it.

We have worked in a bipartisan fashion through the legislative process to create legislation which would effectively give States the authority to control their own borders. I commend those who have supported us in this effort.

However, as I indicated last evening and earlier today, there is a provision in the language as the bill currently exists that offers a loophole which is unacceptable to States that are importing trash, and we would like to clarify that.

This particular amendment, which I have offered, strikes subsection 2 of the section which deals with exemptions to the Governors' or the States' authorities to exercise jurisdiction over and control over the flow of out-of-State trash.

We have had extensive discussions on this amendment with Members on both sides of the aisle. We had hoped to be able to resolve this issue without offering the amendment and debating it. We were not able to do so. And it is therefore, with that, that I offer this particular amendment.

Mr. President, the amendment before us strikes the exemption that would exclude authority of the States to apply remedies under this bill to preexisting contracts as of the date of introduction of this bill between private parties.

While the entire intent of the bill is to give those on the receiving end of out-of-State waste a say in the terms, in the conditions under which they will accept that waste—that is the purpose, the fundamental purpose of the legislation—without striking the provision that denies that authority in the case of preexisting private contracts, we create a situation whereby in most receiving States, if not all, I believe that little or no change will be made in the status quo.

The status quo is the flow of unwanted solid waste, trash, garbage, however you define it, from one State to another without the receiving State having any authority to limit it in its own best interest.

Striking that is important to preserve the integrity of the legislation, and that is what this amendment tries to do.

AMENDMENT NO. 2732 TO AMENDMENT NO. 2731

Mr. CHAFEE. Mr. President, I send to the desk an unprinted second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2732 to Amendment No. 2731.

At the end of the Coats amendment add the following new text:

"(E) Nothing in this Act shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government that were in effect on June 18, 1992. The validity of any action by a Governor which would result in the violation of or failure to perform any provision of such contracts shall be determined under applicable State law.".

Mr. CHAFEE. Mr. President, what this second-degree amendment does is narrow down the prior amendment, and, indeed, the purpose of it is really to stress that Governors, acting under the basic legislation which is before us, namely, S. 2877—any of their actions are still subject to the State law and, of course, to any existing constitutions, be they State constitutions or the Federal Constitution, which, of course, would prevail in any instance. But it makes it clear that we are turning, as far as this particular section goes, the power of the Governor in con-

nection with these contracts to the status quo, namely, the situation as it currently exists in the Nation today.

Mr. COATS. Mr. President, I would just explain to our colleagues that the amendments now before us essentially are designed to accomplish the same purpose. The second-degree amendment offered by Senator CHAFEE simply clarifies the first-degree amendment that I offered by indicating that striking this section from the bill in no way abrogates the legal authority of a contract, if that contract is upheld by State law. The second-degree amendment simply clarifies the intent of my original amendment by stating that nothing in the act shall be construed as encouraging the abrogation of contracts as long as they are written and legally binding for the disposal of municipal waste generated outside the jurisdiction. The validity of any action by a Governor which would result in the violation of a failure to perform any provision of such contract will be determined under applicable State law.

That is the situation as it exists today, and we wanted to clarify the fact that we are not taking away that authority. That authority that currently exists within the States today obviously will remain, as will authority that is available under Federal law.

I spoke earlier to this, and I will try to summarize and be brief relative to this whole question of impairment of contracts. It is clear, No. 1, that impairment of contracts is not an absolute right as interpreted by the Supreme Court. I cited a number of pertinent cases to that effect. I have indicated that the language in no way diminishes the constitutional protection of contracts. I have also indicated that this amendment in no way creates a new precedent.

Congress has enacted a whole series of laws that affect existing contracts, which the courts have upheld as long as it is done under the legitimate authority of State to limit by statute the application of certain private contracts. In fact, the leading authority on contract has stated that when a statute prohibits the doing of certain things, a contract to do those things is illegal, not because the statute makes it so but because it is deemed to be contrary to public policy to enforce the contract, since to enforce it would tend to encourage violations of the statute.

I have indicated that allowing this section 2 to remain, that is exempt it from the Governor's authority, simply creates a loophole which will allow for option contracts without binding restraints; it allows for amendments to contracts; it would allow for renewals of contracts which would allow for increased volumes and no termination date and allow for contracts that include overstated or understated or even unstated waste amounts.

For example, if a term of contract called for twice the volume of waste than actually received, the Governor's authority to freeze at current levels would be meaningless. There is no ability for States currently to determine what contracts now exist and what the terms are of those contracts. Therefore, it is impossible to determine just how large a loophole that is, but because there is no requirement that these contracts be made public, those contracts that currently exist are unknown to various State authorities.

What we have found and learned about contracts that currently exist is disturbing. The State of Pennsylvania has indicated that it has knowledge of contracts that were purposely written for volumes that were greater than the landfill's entire capacity to ensure that reasonable ceilings of volumes would ever be imposed. It has also been determined that some contracts are valid for 25 years. So those who say this is no problem, these contracts will expire in a year or two, that is not true. They either have long-term terms or they have renewal clauses which would allow an almost indefinite extension of the contract.

Many contracts have no caps on volumes and they have codified them allowing for unlimited extensions. I have a copy of an agreement between two private companies entered into in 1989. The agreement was for a term of 5 years and for an amount of 6,000 tons per week. That is, we will ship to you from one State to another 6,000 tons per week for a period of 5 years. However, 1 month after this original agreement was signed, the agreement was amended. It was amended by the landfill owner as allowable under the terms of the contract.

So a loosely written contract was entered into in July. In August the contrast was amended under the terms of the contract. It took a two-paragraph letter from the landfill owner to amend this because that complied with the loose terms of the contract in terms of amending. And the terms were amended from 5 years to "whatever period of time you need," and the volume was amended from 6,000 tons per week to 3,500 tons per day.

That is an example of why it is necessary to strike the provision which exempts any Governor's authority from affecting private contracts. If this contract is representative and I do not know whether it is or is not because we have no way of knowing, but if this contract is representative in any way whatsoever, it is obviously clear why this amendment needs to be adopted or the entire effect of the bill is gutted.

I want my colleagues to fully understand that this amendment is critical to this legislation. It is not possible to go home and tell your Governor, attorneys general, or the people of your State that you have in fact supported an effort that will give the State the ability to sit at the negotiating table in terms of what waste is received from interstate, or give the State the ability to limit in any way the amount of trash flowing from one State to another, unless this amendment is approved.

If it is not approved, it is quite clear to me and I think it will be quite clear to everyone who looks at this, that the trash will keep flowing, that this loophole is big enough to drive 100 trash trucks through on a daily basis.

So the Coats amendment, as seconded by Senator CHAFEE from Rhode Island, is absolutely critical to the effect of this bill. If this amendment is defeated the bill is virtually of no effect and will not deal with the problem that brought us here in the first place.

So, Members need to know that unless this change is made, the bill, essentially the provisions of the bill, will be gutted.

It is important to realize that most private contractors and contractees have anticipated congressional action on this matter. It is no secret for anybody that watches NBC, ABC, "CBS Nightly News"—I should add CNN and PBS, "20/20," all the shows that convey important issues that are affecting this country, newspaper articles and the odysseys of the trash trains and so forth, it is important to realize that this problem is anticipated by those who enter into contracts to either ship or receive the waste, because most contracts usually include provisions in which one party understands and agrees to the risk of potential change. And that remedy lies between the contracting parties.

By protecting both parties by statute, as the bill is currently constituted, we will essentially negate an allocation of risk that has been assigned between the parties. In effect, what we will do if this amendment is not adopted is abrogate our ability to execute meaningful public policy with real teeth and protect parties from risks that are already anticipated and already planned for.

The State of Michigan has just unsuccessfully argued a waste disposal plan before the Supreme Court as State after State after State has gone to the courts to try to impose the most reasonable, and in most cases, limit of resistance. And even those are violative of the commerce clause, which is why we are here. The attorney general of the State of Michigan has this to say about contract law:

> Under the Coats amendment only written contracts executed by affected local government or as a result of host agreement between the owner operator of landfill or incinerator and affected local government would be grandfathered. This language is consistent with the intent of Senate 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs and closes the loophole that threatens to circumvent the effectiveness of the bill.
>
> The Constitution gives Congress the authority to use all means appropriate to regu-

late commerce under the commerce clause, and this authority has been explicitly extended to contracts which come under the auspices of the commerce clause. Case after case has indicated that plaintiffs cannot expect that their status or rights will remain unchanged through changing circumstances and conditions. They could reasonably anticipate changes in the law, rights secured even by private contract maybe, and abrogated by subsequent legislation which is authorized by constitutional provision.

If contract language in the bill stands, we will essentially abdicate the stated effect of the bill and intent of the bill, which is to grant States and localities broader authority over their borders. Our intent is to change the status quo of uninterrupted trash flowing on an interstate basis. Our intent should not be to codify the current status quo situation.

Importing States like Pennsylvania, Ohio, Indiana, others, Michigan, that noted serious flaws in the language, the prospect of open-ended contract, the prospect of renewable terms, the prospect of assignable contracts continuing, all of which will seriously impair our ability to begin to control our borders—the Constitution protections afforded private contracts cannot be narrowed by legislation or ultimately defined by the Congress. These protections remain and nothing in my amendment limits those protections.

The Supreme Court has determined that the absolute protection of contracts must be balanced with a State's rights to further the common welfare of its citizens.

Today we choose what is more important. Is it more critical to allow communities to have a say in the trash crossing its borders, or codify current practices between waste exporters and the owners of private landfills that are repositories of interstate waste, the practices which have given rise to the crisis in interstate garbage shipments.

Mr. President, this amendment is necessary to preserve the intent and the integrity of the legislation before us, and I urge my colleagues to carefully evaluate this, talk to their State attorneys general and Governors, and hopefully support the amendment that Senator CHAFEE and I have offered.

Mr. President, I would like to add Senator NICKLES as an original cosponsor of this amendment, and with that yield the floor.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, this is a complex subject, one that most Senators probably do not want to spend a lot of time with, learning all the intricacies, the ins and outs of what really is going on here. Essentially, the point of this bill before us today is to provide a framework, a plan, a scheme, a construction for the interstate transport of solid waste so that States in a responsible, meaningful way can begin to limit the amount of waste that comes into those States.

Why are we here today? We are here today, primarily because our country tends to be a throwaway society. We generate a lot of solid waste—a lot of it. Essentially, each American citizen today throws away about 4.5 pounds of garbage. We take it out to the trash bin, the curbside, put it in a dumpster, or what not, and it comes out about 4.5 pounds per person, per American, per day—more than every other country. Unfortunately, the trend is upwards. We are just generating a lot more of this stuff now than we were a few years ago.

In the meantime, because of increased environmental standards—and thank goodness they exist—in the meantime many local communities, municipalities, counties, are finding it more difficult to find the space to dump the garbage—the landfills. There is a lot of pressure on communities to find more space. And because of the higher environmental standards—liners now being put in place at landfills, aroma restriction, monitoring restrictions, et cetera—these sites are becoming more scarce. They are more expensive. And there just is not enough room to dump the garbage.

We are attempting here in the Congress to address this problem. And, I might add, because of the lack of land space, particularly in some of the more populous States, the populous States logically and understandably ship a lot of their garbage to less populous States in other parts of the country. As one might expect, some of the more eastern, more populous States are shipping some of their solid waste—we are talking about municipal waste here—to somewhat less densely populated States in the Midwest and potentially to the Far West.

We in the Congress are attempting to solve this problem by passing legislation which will, in the first place, encourage manufacturing companies to produce less waste. In addition, to encourage companies to recycle more of the waste this country produces. And third, to set up a hierarchy of standards so the solid waste that is left over, that is produced and not recycled or not incinerated, is put in a safe way into a landfill.

States that receive a lot of solid waste are understandably concerned. At least some of the communities in some of these States are understandably concerned. Nobody likes to take somebody else's waste. It is really a paradoxical situation. Because people do not mind dealing with their own waste but they do mind dealing with somebody else's waste, almost leaving the implication that somebody else's waste is a little dirtier or somehow less palatable than the waste one's own community produces.

But putting that aside, human nature being what it is, people tend not to want waste produced by somebody else, even though the composition of that waste is for all intents and purposes the same as the composition of waste in the local community.

Under the U.S. Constitution, under the commerce clause of the Constitution, States cannot limit the importation of solid waste into their own States absent congressional authorization. In fact, a couple of months go, I think in the last few weeks, the U.S. Supreme Court in two separate decisions has held very directly on that point. Two States attempted to limit the importation of out-of-State waste into their own States. The Supreme Court said: No, you cannot do that. That violates the commerce clause of the Constitution. You have to wait for Congress to act in this area.

We, here, now, today, are acting in this area so States can so limit the importation of solid waste into their States.

I think it important for people to realize this is complicated. I am reminded—in fact some people tease me about this because I make this point with some frequency—of the statement by a famous Baltimore Sun journalist, H.L. Mencken, who said: "For every complicated problem there is a simple solution, and it's usually wrong."

I think he is right. For most complicated problems there are no simple solutions. But there are complicated solutions. There is no silver bullet. There is no magic panacea. There is no obvious, simple solution to most problems, and there is not to this one either. That is partly because almost every State in the Nation both imports and exports solid waste. Forty-two States in our Nation export solid waste to some other State. Forty-three States import solid waste from some other State. It stands to reason, because some cities are located not smack-dab in the center of the State but they are on the edge of the State, near a border of the State. It just makes a lot of sense to transport some of the garbage across the line to that other State.

In addition, we live in a society to a large degree of free enterprise, where companies can enter into contracts with communities or with areas that own disposal sites to try to work out commercial arrangements for the transportation, dumping of solid waste. State boundaries should not restrict that because we want commerce to flow fairly evenly around our country.

The real goal here is, frankly, for us to produce less waste in the first place and recycle a lot more waste than we presently do. But I must say even though we in the Environment and Public Works Committee reported out a bill attempting to accomplish those results, that we cannot get this bill up

on the floor of the Senate in the remaining days of this year for one simple reason. That is basically because there is not enough interest to do what we all know we should do, that is pass legislation encouraging more recycling and encourage less production of waste in the first place. There just is too much gridlock here.

The national environmental groups did not like the bill reported out of committee because it did not go far enough. It did not set recovery rates, in their view, high enough. It did not go far enough in reducing or encouraging waste minimization. It did not go far enough. They are not very enthusiastic about it. They wanted more.

At the same time industry groups felt the bill did not make a lot of sense because they felt it went too far. Even though this bill only nudged industries, particularly the packaging industry, to recover a litter bit more of the paper, or the glass, or the plastics, or the metals they use—only a nudge—most companies do not want to be nudged. And because there are so few days left in this session they were able to exercise some leverage which in effect has prevented this bill from coming up.

It is really sad, because other countries are doing far more than we even attempted to do in the bill which is not now before us. The country of Germany, for example, has passed packaging legislation where Germany is now recovering 60 percent of recyclables of the waste that is produced in Germany. The European Economic Community is going almost as far as Germany. They are passing legislation in the European Economic Community which will require about 50 percent of recycling.

The bill we reported out of our committee, which we are not now bringing before the Senate, had a lower percentage—only 40 percent. We could not get that passed—we could not bring that up. Actually we could if we tried, but reality being what it is, if we had brought it up on the floor it would not go anywhere and we would just be, this year, unfortunately, wasting our time.

So, what are we left with? We are left with this construct, this mechanism, which by the way was in the Environment and Public Works Committee bill. We stripped that out. That is the bill now before us. We are left with this construct to provide a way for States to begin to control and have some handle on the importation of solid waste that comes into those States.

Now, because so many States import—42, so many States export solid wastes—43, we could not just overnight say, willy-nilly, today, slam the door shut, Governors have full authority upon the passage of this bill to stop all importation of solid waste coming into those States. This would not make sense. It would be extremely disruptive. It would cause all kinds of problems because so many States export wastes to other States. If all the States were to say: No, close the door; what is going to happen to the waste that is now being exported?

Well, who knows what is going to happen to the waste now being exported? Some of it would pile up in communities. Other waste would be dumped. Some States, some communities, just do not have the capacity at the moment to deal with the waste.

It has to go somewhere. People are still going to be producing the waste. Communities are going to be producing the waste. Production of waste is not going to stop. It is going to go somewhere. The question is where? We do not want it to go to someplace other than landfills. That is the problem. That is the basic problem that we have.

So, in our bill we provide that local communities, if they have not been receiving waste in 1991, out-of-State waste in 1991, can say to the Governor—Governor, we would like you to ban the importation of solid waste into our community. That is in the bill.

We also say to States and to local communities, if waste has been coming into your community in 1991, out-of-State waste, in 1991, then the Governor can still ban the waste going to your community if it is not going to a landfill that meets applicable State standards. You can do that.

We are also saying a Governor can freeze at 1991 or 1992 levels the amount of out-of-State waste that is coming into a State. The Governor essentially does not need the permission of a committee to do that. He does in some cases, but not all.

We are also saying for the States that receive most waste, that is States that receive over 1 million tons of waste a year, that the Governor can also freeze, there, and ratchet down those communities where 30 percent of their waste is from out-of-State.

Finally, in the bill we say this authority the Governor has continues indefinitely, except by the year 1997, if his State or her State does not meet the new solid waste regulations which go in effect in 1993, that is if the State does not meet them by 1997, then the Governor loses that authority. That is an incentive to encourage States to update their landfills.

So I am saying very simply this is a complicated problem. It has not a simple solution. It is somewhat of a complicated solution. But it is a solution which has been negotiated and worked out over, essentially a couple of years.

Exporting States, essentially New Jersey, New York—to name two who are most concerned from the exporter's point of view—States by the way which are doing a great job in reducing the amount of waste that they export—have been negotiating with importing States.

I mentioned the State of Indiana as an example to try to work out a solution and I must say, Mr. President, I think the compromise solution we have worked out is a pretty good one.

I might make one point here. Ironically, the problems that importing States have are already diminishing on their own. For example, in the State of Indiana, Indiana State officials have determined that long-haul waste imports have declined, not increased, have declined by 80 percent since last year. There has already been, Indiana officials have determined, 80-percent reduction in long-haul waste.

In a 1992 article in Solid Waste Report, according to an Indiana official with the Indiana Department of Environmental Management, "Indiana experienced much more than 50 percent reduction, probably more like a 70- to 80-percent reduction in long-haul municipal waste."

Everybody has figures. Some figures lie; some figures do not lie. I am only saying that according to Indiana officials, long-haul waste into Indiana in the last year or two has actually declined. It has not increased. It has decreased. This is happening, frankly, I do not know if in all parts of the country, but in many parts of the country. I note the State of New Jersey is now exporting I think no waste, or very little waste now to the State of Indiana. It is my understanding it is zero waste. That is a big improvement from a couple, or 3 years ago.

Mr. COATS. Will the chairman yield?

Mr. BAUCUS. In a minute I will. The very simple point and one that I think should be grasped here is that, by and large, the politics of this issue has not caught up with reality. The politics of this issue, particularly a couple—3 years ago—was one where people were inflamed because a garbage barge—or what is it called—the poopers—the poo-poo choo-choo down in the State of Louisiana—and other examples of a lot of stuff being dumped was a problem a few years ago, a couple of years ago, maybe as recently as a year ago. I am not now saying it is not a problem now. It is a problem. But I am saying it is much less of a problem now than it was a couple, 3 years ago.

It reminds me a little bit, Mr. President, of the way Government sometimes does business, whether it is monetary policy or it is fiscal policy or other congressional reaction to not only perceived but actual problems; that is, by the time we have acted, the problem has taken care of itself and sometimes by the time we act we exacerbate the problem, we accelerate it beyond the point where it should be.

I am not saying this bill is going to cause more problems than it is going to solve. I do think this bill is going to solve more problems than it is going to create. If we stand back for a little perspective and look to see what is actually going on, I think we will realize that the reality of the politics of this

are not entirely in sync. That is, the reality of this is the problem is not quite as bad as it once was 2, 3 years ago.

Essentially, Mr. President, I urge Senators to resist the Coats amendment. It is not needed. Indiana has negotiated with our committee very vigorously in the last couple of years. We have come up with a solution which is a good, fair solution, as fair as can be, to all States. It is not a perfect solution from Indiana's point of view. Indiana would like to have a perfect solution from Indiana's point of view. It is not a perfect solution from New Jersey's point of view. New Jersey would like to have a perfect solution from New Jersey's point of view.

I would like to remind Senators our national motto, which is emblazoned over the Presiding Officer's chair, is "E Pluribus Unum," we are one out of many, we are one Nation out of many. This is legislation which not only attempts, but in my judgment actually does essentially solve the problems that States have, taking into consideration both exporting States and importing States.

To go further, that is to tilt the balance more toward importing States even more than it has and against exporting States I think is going to begin to unravel this bill. I remind Senators that if this bill becomes unraveled—I am not saying it necessarily will—but the more we unbalance the bill, the more it tends to tilt too much in one direction as opposed to another, the more it will fall down, become unraveled, and the less likely the legislation is going to pass.

What does that mean? That means that States will have no authority to limit the importation of solid waste in their community; none. Why none? Because the Supreme Court has said so. The Supreme Court has said the States on their own, without the express authorization of Congress, may not limit the importation of solid waste in their communities. This bill does provide a framework so that States can limit the importation of solid waste in their communities.

I must say, too, Mr. President, I find it a bit ironic that Senators who usually stand up for business and stand up for commerce and stand up for free enterprise now want to give the Governor the authority to break contracts, to break a private contract, to upset peoples' expectations, upset the expectations of a local community, a person who resides in a State, who entered into a contract with somebody out of State, just to go in and say, I am sorry, even though you worked hard on this contract, even though you negotiated out this contract, even though you have certain expectations of the terms of the contract, sorry, all bets are off, cannot do it; we, the big mighty Government, are coming in and we are going to break your contract.

I would think, Mr. President, that most people in this body would hesitate before giving the Governor the authority to break contracts. Why do you want to break contracts or why do we want to break peoples' expectations? In this case, the first-degree amendment is a little bit strange because it only goes to private contracts, not to contracts in municipalities entered into. Why in the world do we want to say the Governor can break private contracts but cannot break a contract with a local government which entered into an arrangement to receive out-of-State waste from another State? What is the distinction, unless the distinction is, well, there is too little public process in the private contract negotiation whereas there is an opportunity for the public to express its will in the public contract.

The answer to that, it seems to me, in every community I know of, I am sure the local town, local township has a permit process, some process under which the private contractor entered into an agreement to receive out-of-State waste in his own State. There has to be some procedure, some way in each of these municipalities for the public in some way to be part of all this process.

The basic point is that Senators should be hesitant before we willy-nilly give the authority to a Governor to break a contract, break a contract that the residents of our States have entered into with residents of our own States or with other States, particularly when, under this bill, once the contracts expire—and the average length of a contract here is 5 years—once contracts expire under the bill, without the amendment, then Governors would have the authority and the State process would operate so as to restrict and even limit and even prevent the importation of solid waste into a State.

The net effect of this bill, without the amendment, will be a very significant reduction of solid waste coming into one State. It is not a total, 100 percent, slam the door, stop it all, upon the passage of this bill. That is correct. It is not. It is going to be phased in. But we have to phase it in if we are to be responsible. We have to be careful on the scheme, on the construct of the procedures we set up here so as not to totally eliminate transportation of interstate garbage, because if we do, it is going to pile up who knows where until this is worked out, and we do not want to be precipitous about all this but we also do not want to break contracts willy-nilly.

Also, I might say, to a large degree, this problem is being taken care of anyway, because the amount of waste that is going into the States, the receiving States, is not increasing. The evidence I have is that it is, in fact, in the most sensitive State, decreasing.

So I urge that we do not adopt this amendment.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I first want to make a brief comment about the bill itself.

I am proud to be a cosponsor of S. 2877. I want to begin by congratulating my friend from Indiana, Senator COATS, for his hard work and his outstanding leadership in this area.

I also want to thank Senator BAUCUS and Senator CHAFEE for their efforts in pushing this debate toward resolution.

It is a very difficult matter, as the Senator from Montana has just indicated, to strike a fair balance between the needs of States, to make sure that we approach this matter on a national basis in a way that makes sense environmentally. At the same time, I think we must be sensitive to the needs of those States which have become the dumping ground—and in many ways the involuntary dumping ground—for waste from other States which are not handling their situation in a fully responsible manner. So striking the balance is a very difficult task. I want to commend floor leaders on both sides of the aisle for their efforts to strike that balance.

We do not want to open this bill up to widespread amendment and to broader debates, because there is a need in light of court decisions to have the Congress clearly speak. Without any legislation at all, as has already been indicated, the Governors, the States, the local communities, will simply be left powerless in terms of dealing with this problem of having waste from outside their States come into the local communities, local areas, and pose a threat to their citizens and to the quality of life. They will be left with no ability to act.

Fighting against out-of-State trash is especially important in Oklahoma, because we have more open space and generate less garbage than most other States. Municipal solid wastes in the United States have increased from 128 million tons in 1975 to 179 million tons in 1988, and is expected to rise to 216 million tons by the year 2000. Of this total, Oklahoma generates a little over 3 million tons of solid waste per year. For example, New York and New Jersey alone send double that amount—more than 7 million tons—out of their States, outside their States, every year. And this waste tends to end up in small communities, in rural areas, often that are ill-equipped to deal with it.

I do not mean to imply that other States are not making efforts to address their solid waste problems. They are. And these efforts are to be supported and commended. But clearly, they have not yet been enough. We

need to craft a solution that will encourage them to do more, to do more to assume responsibility for the waste which they themselves are producing in their States.

Something needs to be done to ensure that this problem does not get passed on to more rural States. The game of pass the trash must end. I have here an article from USA Today which describes the route of the so-called P.U. Choo-Choo.

This train transported 2,200 tons of rotting New York City trash to Illinois, Kansas, and Missouri where it was ordered out of the State. Faced with no alternative but to go home, the garbage was finally trucked to the Fresh Kills landfill in Staten Island.

Oklahoma has less than 5 years of average landfill capacity left. High volumes of waste coming in from other States reduce Oklahoma's capacity to manage its own waste and only encourages other States to avoid their responsibilities a little longer. If we are going to preserve our environment, we cannot allow responsible States to become a dumping ground for others. We cannot sit back and let States neglect their responsibility to manage their own waste production.

Chief Justice Rehnquist made this observation in his dissenting opinion in the Michigan case:

> It is no secret why capacity is not expanding sufficiently to meet demand—the substantial risks attendant to waste sites make them extraordinarily unattractive to neighbors. The result, of course, is that while many are willing to generate waste * * * few are willing to dispose of it. Those locales that do provide disposal capacity to serve foreign waste effectively are affording reduced environmental and safety risks to the States that will not take charge of their own waste.

Chief Justice Rehnquist concludes:

> I see no reason in the commerce clause, however, that requires cheap-in-land States to become the waste repositories for their brethren, thereby suffering the many risks that such sites present.

This legislation will force other States to bear their fair share of the burden and develop responsible waste management plans. The need for action is clear. States are being inundated with garbage which can only be stopped through congressional action. In the past few months alone, 6 companies have proposed to dispose or incinerate out-of-State waste in 15 different locations throughout Oklahoma. The out-of-State trash pouring into Oklahoma's landfills reduces its capacity to be environmentally responsible and handle its own waste.

As landfills fill up around the country and the cost of waste disposal continues to increase, I believe we must deal with this problem on a national level. We must ensure that all States live up to the highest standards when disposing of their municipal waste.

A permanent solution is needed this year. My State and others cannot afford to stand powerless while other States neglect their responsibilities and spoil our environment.

Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendments offered by Senator COATS and Senator CHAFEE.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. BOREN. Mr. President, there are problems even with the existing legislation and with the compromise that has been developed, and I know that this amendment attempts to deal with them. For example, there are certain option contracts without binding volume constraints so if we do not touch existing contracts, there are contracts out there which have the potential of having options exercised to greatly expand the amount of waste coming in under them, and therefore leaving the State and the locality without power to act.

There are amendments to contracts which can be made. There are provisions that might allow renewals of contracts to allow for increased volumes in the future. And in some cases, there are contracts with no termination dates at all. There also contracts which include overstated waste amounts. For example, the contract may call for two or three or four times as much as is now coming in, a deliberate overstatement so that additional amounts can be brought in in the future without renegotiating the contract.

So unless we find a way to put some limits on the open-ended nature of these contracts, either as to duration or as to the volume of waste that comes in under these contracts, we will find ourselves with a loophole in the law that will again, once we have said to the public that we are solving the problem, leave room for the problem to raise its head again in a new form under the theory that private contracts allow for this huge expansion of unlimited duration.

I hope we will not do that. That is exactly what the Senator from Indiana and the Senator from Rhode Island are trying to prevent under their amendment.

At the same time, I am sensitive to what the Senator from Montana has just said about the fear of a blanket abrogation of private contracts.

I understand also the problems of those like my friend from New Jersey, Senator LAUTENBERG, and others who have been speaking on this matter. I understand their problem because they are worried that in those situations where their States are making plans, they are developing ways of coping with their own generated waste products and hazardous wastes, as well, if existing contracts are abrogated, the volume with which they must contend in the short range might be increased dramatically without their ability to cope with it. So they need some certainty as to the amount that will continue to go under existing contracts.

So, Mr. President, I support the amendment of the Senator from Indiana and the Senator from Rhode Island. I do express the hope, however, that before we come to a vote, a very serious effort will be made to try to find some language which strikes the balance between giving the Governor the power to abrogate contracts without constraint, without the limits being very carefully spelled out, and the current bill, which simply does not close all the loopholes. Surely there is a way we can find that will strike this balance.

The authors of the bill, the leaders of the committee, have been, as I say, masterful in terms of the efforts they have made so far to strike this balance. It is my hope we can also find the appropriate balance on the issue that is now before us so that we will not jeopardize the legislation, we will not get into prolonged debate and, above all, we will not open this legislation to other amendments which would have the effect of sinking the entire bill and leaving us in a very bad situation indeed.

So I hope that my colleagues will try to work together to deal with this problem of open-ended duration and the possibility of increasing the magnitude of waste and garbage moving across State lines because of open-ended provisions in existing contracts in a way that we can solve those problems without raising some of the fears that have been voiced by the Senator from New Jersey and the Senator from Montana and others about an abrogation of all contracts.

This Senator would certainly be willing to help in any way he can in trying to arrive at such a compromise. I compliment my colleagues for the progress they have made so far. They have made a great contribution to this country, and they have done it in a very fair fashion to all States. I simply urge them to continue in this way and to try to take care of the problems that have been raised in the Coats-Chafee amendment.

I thank my colleagues.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma yields his time. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

Mr. President, I compliment all Senators who have worked to bring this legislation to the floor in an effort to address this very oppressive problem.

I join with the distinguished Senator from Indiana [Mr. COATS] in the amendment which he has offered and ask that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe that the Coats amendment is indispensable to close a very glaring loophole which would permit virtually boundless importation of trash to States like Pennsylvania. The amendment would ensure that there is express authority granted by the Congress empowering States to appropriately regulate interstate flows of trash and deal with existing contracts.

When you take a look at the transportation of interstate waste, it is absolutely appalling, and the statistics which are available relating to Pennsylvania show an enormous amount which is being imported from out of State, with particular reference to the States of New Jersey and New York. That importation has increased markedly in the course of the first quarter of this year by some 43 percent.

Just take a look at the kind of importation which is involved here, Mr. President. In 1991, New York exported 1,058,878.7 tons to 23 Pennsylvania landfills at a time when New Jersey exported even more than that, 1,871,494.2 tons to 21 Pennsylvania landfills. In the first quarter of 1992, New Jersey exported 439,785 tons to Pennsylvania landfills, a significant increase over the exporting of 407,337 tons in the first quarter of 1991. In the first quarter of 1992, New York exported 267,860 tons to Pennsylvania landfills, which was an increase substantially over the 169,317 tons in the first quarter of 1991.

These lines of exportation are only illustrative of the tremendous amount of waste which is imported in interstate commerce.

It is necessary that there be an expressed grant, by the Congress to the States, of authority to limit the shipment of interstate commerce because, if it is undertaken by the States alone without the authority from the Congress, it is subject to being nullified as an undue burden upon interstate commerce. So it cannot be a so-called dormant provision. There has to be an expressed grant of authority.

The illustrations of the kind of contracts which exist show that Mercer County, NJ, has a 20-year contract with the G.R.O.W.S. landfill for the disposal of 4.5 million tons of municipal waste and sewage sludge. That contract was entered into in February 1988, and the 4.5 million figure represents the maximum obligation of the landfill and could be increased at the discretion of the landfill operator, if the landfill operator so chose. So, here you have an illustration of an existing contract which would obviously render any of the limitations imposed by this legislation meaningless unless the Coats amendment is adopted.

Another illustration is found in Essex County, NJ, which currently has a contract with the G.R.O.W.S. landfill in Bucks County, PA, even though Essex County has an incinerator which is being used to process New York City garbage. So, what you get involved in here are elaborate arrangements, which are obviously very, very profitable, but unless a State like my State, the Commonwealth of Pennsylvania, has the authority to impose some reasonable restrictions, it is just very, very burdensome.

Mr. President, even with the opportunity to strike existing contracts, there is still a very grave burden which is imposed on States like mine which may require amendments even beyond the one which is currently being undertaken.

But I believe, Mr. President, that the Coats amendment would still leave this legislation in balance. It would not render it out of balance. Although there really may be more amendments necessary to provide the appropriate overall balance for this legislation.

When there is an argument here about expectations, I think that these contracts were entered into with these open-ended long durations really anticipating some legislative action to try to have certain curtailments on trash flows. Therefore, we have people, highly sophisticated in these business operations who will not realistically be denied their expectations.

When there has been talk on the floor here, Mr. President, about recycling,the figures which have been advanced may not tell the whole story when they are talking, apparently, about industrial recycling activities which include scrap automobiles and highway asphalt recycling. So that when you have waste disposal of the type we are concerned about in this legislation, these references to large recycling successes do not really tell the story as it relates to the kind of activities which are sought to be regulated here.

This is a very realistic and modest proposal, Mr. President, I think, upon analysis, the vast majority of the Senators will adopt this very reasonable amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, I commend the sponsors of this legislation for their efforts to resolve what is a very complex and politically potent issue; that is, the interstate transportation of municipal solid waste or garbage. It has come to the forefront of public concern, Mr. President. It gets a lot of media attention. There is hot political debate in many States. I know that my friend, Senator COATS, has worked very, very hard to resolve the differences between the competing political interests represented here so we can move ahead with a bill.

I know Senator BAUCUS has worked with him diligently to that end.

Through his persistence and thoughtfulness and hard-nosed determination, Senator COATS has brought us to this point. I commend him especially for a most difficult job. And I say "well done" to him.

Mr. President, having said that, I would like to point out a couple of things that I think the Senate needs to think about regarding the regulation of interstate commerce.

The interstate transportation of garbage tends to raise regional and local concerns, and it is a politically potent issue. It also raises a very important constitutional issue. These issues are the kind of issues that are very difficult to drive home in a 30-second sound bite but which directly affect our Federal system of government.

I want to raise some of those issues today. I know the two Senators from New Jersey have had a keen interest in this legislation because, in some cases, their State happens to be an exporter. I know there is one side of the argument that says, well, if you pass this law, then the States that are exporters of garbage and trash will be forced to build solid waste disposal sites or incinerators, and that will solve the problem. They can build them in their own States, and take care of the garbage they generate. Others say it is impossible to develop new sites or obtain necessary permits to build waste incinerators. And in some cases, States and communities simply do not want sites developed. I know there are two sides of this issue. But I think that we need to discuss the constitutional issue. It is a constitutional issue and where that might lead us, Mr. President, is my concern regarding this legislation.

In article I, section 8, of the Constitution, our Founding Fathers enumerated the specific powers granted to Congress in this national government of limited powers. Among the most important of those express grants of congressional authority is the power "to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes."

To quote from "The Analysis and Interpretation of the Constitution," a document prepared by the Congressional Research Service:

> the commerce clause "is the direct source of the most important powers which the Federal Government exercises in peacetime, and, except for the due process and equal protection clauses of the 14th amendment, it is the most important limitation imposed by the Constitution on the exercise of State power."

Mr. President, why did the Framers of the Constitution, who took such great pains to create a National Government of expressly limited powers, grant to the National Government such exclusive and powerful authority over commerce? Mr. President, I think the two Senators from New Jersey prob-

ably understand this as much as anyone here in this Chamber, because their State is now being affected by it, because of local, parochial interest in neighboring States, those States are trying to prevent the transport of commerce across the State line.

To paraphrase James Madison's analysis in the Federalist Papers No. 42, the commerce clause was included in the Constitution because the Framers believed one of the great weaknesses of the Confederacy was the inability of the Confederate government to regulate commerce between the several States.

In other words, this was in an age of States rights, Mr. President. This was in an age when States rights were premier, when they had just thrown off the shackles of big government from Great Britain, and they did not want big government to centralize too much in the central government of the thirteen Colonies.

The Framers had the foresight to recognize—as Madison noted—that States which imported or exported products through other States had been forced to pay taxes or other forms of duty on the commodities in transit, and that such duties weighed heavily on both the manufacturers and consumers, all Americans. "We may be assured," Madison says, "that such a practice would be introduced by future contrivances."

In other words, James Madison predicted, some 200-plus years ago, that with explicit protection in the Constitution we would reach this point. So do not think, Mr. President, that we can pass this legislation without setting a precedent. This is a precedent-setting piece of legislation which I think all Senators should give a great deal of thought to before passing.

Madison went on to say, "We may be assured that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquility. * * *"

Thus, Congress was granted the power to regulate interstate commerce in order to ensure the free flow of goods and protect against economic warfare among the States.

Mr. President, this Senator will make the argument anytime, anyplace, anywhere, that one of the reasons the economy of the United States has been so successful in these past 200-plus years is because of the fact that we have had relatively free trade between the States; it may be that it is more economically advisable to produce goods or services in one State and transport those goods and services to another State. We have never had problems of meeting border guards, tariffs or quotas, all of the complications that restrict the free flow of goods and services between States.

This subject seems a little earthy by comparison, but all of this bears directly on the question before us today—interstate transportation of garbage.

I have the greatest respect for the Senator from Indiana and the Senator from Pennsylvania trying to protect their States. But on the other side of the coin, there are States that may have lesser land space, different land values, a greater concentration of population, and it may make good sense to transport some of these products across State lines as long as they stay within the bounds of the overall general standards of environmental behavior.

As unappealing as it may seem, Mr. President, garbage is a commodity that is often transported and received under contract in interstate commerce. It is a business arrangement generally between a private company operating a landfill site and a municipality that has to do something with the waste it collects from its citizens.

Mr. President, this legislation would grant the States the authority to regulate or prohibit the interstate transportation of this commodity across their borders. Senators may say, "well, States need to be able to control how much out-of-State trash is received and buried within their borders, and trash-exporting States need to adopt measures to deal with their own trash." All of that is fine, except the mechanism we are using to deal with this difficult issue is to relegate to the States authority expressly and purposefully granted to the Congress under the commerce clause.

You just cannot have it both ways, Mr. President. If we pass this legislation, we are giving the States authority to interface with interstate commerce. It may be that that is what the Senate wants to do—and I note from reading a bill summary that the administration has generally indicated its opposition to measures that restrict the free flow of solid waste in interstate commerce.

I think that Senators need to recognize that we are literally interfering in a business arrangement between two parties, who voluntarily have agreed to have a landfill site in point A, and a disposal collection point at point B, and they transport it from point B to point A. And even if they comply with all regulations, we are going to do is step in and say, "no in this backyard. We do not want it in my backyard."

It may be way more efficient. I am not from New Jersey. I am not from Indiana. I do not know the facts of how much more efficient it is to store some of this waste in a landfill in Indiana, or in Ohio, or in Pennsylvania.

But I am telling you, Mr. President, that it is another matter for Congress to devolve itself of the power granted under the Constitution to protect the free flow of commerce which provides the basis for a sound economy. I'm afraid what we are doing is opening the door, Mr. President, for local politicians and individual State Governors to use this as a precedent in other matters.

This is solid waste we are talking about. We also have toxic waste, hazardous waste. There are sensitive nuclear materials that are transported between and through States. And if Congress is standing here today saying it is going to give this power to the States, I fear it is a mistake. It is all well and good to say you are for States' rights but just remember that not-in-my-backyard politics makes it almost inevitable. If Congress gives this authority to the States, the short-term political gain for political posturing will always be to keep trash or any form of waste out of your State.

That is also going to be the popular thing. We may lose sight of whatever the marketplace would dictate and what the efficient method of handling these materials is. Some are considered less than popular to have in your neighborhood, many are considered hazardous but are essential in the manufacture of household conveniences and modern equipment. They will be the subject of State-by-State prohibitions in interstate commerce.

I do not think there is any question about it. Mr. President, if this bill passes the Senate it will set a precedent and make it easier to interfere with interstate commerce between the 50 States.

Without knowing a lot of the specifics, most Americans would probably tell you, Mr. President, that lead can have harmful health effects. Yet, lead is found in computer equipment, certain lighting fixtures, and a host of other manufactured goods which all of us depend on daily. How smoothly will the wheels of the economic engine turn if Congress decides to let States ban the transport of lead in interstate commerce? I just used that as a hypothetical example. It would open Pandora's box.

What about agriculture commodities, Mr. President, or textiles, or other products that from time to time that raise political concerns within certain States? If Congress allowed them the authority, is it not likely that some States with a substantial textile industry might prohibit the transportation across their borders of out-of-State or out-of-country textiles?

I would ask the rhetorical question, Mr. President: Is there anybody here that thinks that South Carolina would not be happy if no other State or no other country could ship any textiles into South Carolina? I think the popular vote in South Carolina, on the surface, might appear to be this: They would be opposed to having anybody ship textiles into South Carolina. I

think that evidence in the past and the things that we have seen happen would lead one to believe this possibility.

I have seen it happen in numerous kinds of products shipped from the Pacific Northwest into the great State of California. California used to have a nontariff trade barrier where they tried to block products they felt competed with their own products.

I know no matter how unpleasant it is to talk about solid waste, which means garbage and trash, it is a commodity, and it is an interstate commerce commodity. We should stand back and look at what it is we are doing. These are some of the important constitutional and economic questions that I think are raised by this legislation.

I hope my colleagues will give careful consideration to the long-term consequences for this Nation once we start down the road of giving States the authority to regulate the commodities transported in interstate commerce. Today, it is garbage. Tomorrow, it may be some other commodity. It may actually end up being, I would say to my colleagues, some of your constituents' jobs. There has to be some way to resolve this difficult issue. However, I believe that passing precedent-setting legislation, which clearly in this Senator's opinion interferes with the commerce clause of the Constitution, is a highly dangerous precedent for this Congress to set.

I would hope that some of the constitutional scholars here in this Senate that have had far more experience in these matters than this Senator would look at this very carefully before we ask the Senate to vote on this legislation because I think the potential for mischief and problems here are overwhelmingly risky for this country.

Having said this, I know the Senator from Indiana worked very hard to work out these difficulties. It may be that the solid waste disposal business will boom in the States that have been exporting their materials into Pennsylvania, and Ohio, and Indiana. But I will just say to my colleagues we should be very cautious about passing legislation of this kind.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] yields the floor.

Mr. LAUTENBERG. I suggest the absence of a quorum.

Mr. COATS. I wonder if the Senator would withhold that request?

I want to briefly respond to a couple points made by the Senator from Idaho. I would indicate to my colleagues that we are making a good-faith effort to resolve the difference here relative to this particular amendment. I have had some discussions with the Senators from New Jersey and we are attempting to do this, and hope to have an answer on that relatively quickly.

I would just like to say to my friend from Idaho, and I do appreciate his support through this effort. He has been an ally on the committee who has offered advice and I appreciate his concerns.

When this Senator originally offered legislation to deal with this problem, it authorized Governors total ban authority. That legislation was endorsed by a substantial majority of the Members of this body. Subsequent to that time, in response to some of the legitimate questions that the Senate has raised, we have spent a great deal of time and effort attempting to strike that balance that recognizes the very real problems of States like New Jersey and New York on other densely populated States in disposing of their municipal solid waste. And in recognizing the fact that they are making conscientious efforts to try to deal with that.

For that reason, the legislation was substantially modified to try to achieve a balance necessary to allow States like New Jersey, New York, and others, to deal with a particular problem they have, but also recognize that the States on the receiving end of the trash stream also have a problem. So the legislation before us does not give States the right to overthrow the commerce clause, but it grants limited authority to States to regulate the flow of trash into their State for what I believe are legitimate public purposes.

The legislation only gives the Governor the authority to ban out-of-State municipal waste upon request of the local governing authority, or solid waste district, and relative only to landfills that, first, did not receive out-of-State waste in 1991, and second, that do not meet applicable State requirements.

The authority to ban thus is very limited and in fact that authority is not even allowed in cases where host communities or local jurisdictions have agreed or negotiated with the exporting State to receive this. So a Governor cannot override a decision of a local community unless the State is so inundated with trash that it threatens the State's capacity to deal with its own municipal solid waste and then the Governor can only do so up to a certain percent, up to 30 percent of the total waste that is coming into the State—that is 30 percent of the total waste capacity of the State. And he can only, then, without the request of the local community, limit that to 30 percent.

In all other cases the Governor only has authority if, again, requested by the local government, again provided that local agreements are not abrogated, that his authority then only goes to freeze the amount of out-of-State waste coming in at the levels achieved in 1992, the first 6 months of 1992, or 1991, the first 6 months doubled, or 1991, whichever is less.

So nothing in this legislation is going to prohibit the flow and the economic benefit of the flow of waste on an interstate basis, as long as the community itself wants to receive the waste.

In response to the question relative to the Supreme Court, I might just note Justice Rehnquist's opinion in the most recent case that dealt with this subject, the Fort Gratiot Sanitary Landfill versus Michigan Department of Natural Resources landfill case. Justice Rehnquist said:

> I see no reason in the Commerce clause, however, that requires cheap-in-land States to become the waste repositories for their brethren, thereby suffering the many risks that such sites present. The Court today penalizes the State of Michigan for what for all appearances are its good-faith efforts, in turn encouraging each State to ignore the waste problem in the hope that another will pick up the slack. The court's approach fails to recognize the latter opinion is one that is quite real and quite attractive for many States * * *

Mr. BAUCUS. Will the Senator yield on that point?

Mr. COATS. I will be happy to as soon as I finish the quote—

> * * * and becomes even more so when the immediate option of solving its own problems, but only its own problems, is eliminated.

For that reason Justice Rehnquist offered a dissenting opinion in the case.

The Court, of course, upholds the commerce clause. But a long history of opinions have indicated that if Congress grants authority to the States to impose reasonable restrictions, that authority is legal and binding under the commerce clause and the Court will accept it. We have not done that yet. That is what we are seeking today.

I will be happy to yield.

Mr. BAUCUS. The Senator somewhat anticipated my question. It is true that is the dissenting opinion the Senator quoted from? And what was the vote on that case where Chief Justice Rehnquist dissented?

Mr. COATS. I am not sure what the vote is. Obviously the Court upheld the commerce clause.

Mr. BAUCUS. It was at least 8 to 1 or 7 to 2——

Mr. COATS. No, it was at least——

Mr. BAUCUS. It was 7 to 2, then. And, as the Senator knows, a dissenting opinion is just that. It is a dissenting opinion.

Whereas the Court did not agree with Justice Rehnquist's opinion. That is, seven Justices or eight Justices of the Supreme Court, virtually a unanimous Court except for one, Chief Justice Rehnquist, disagreed with the Senator.

Mr. COATS. In response to the Senator from Montana, they disagreed on the basis of the fact that the commerce clause—that Congress had not granted the State of Michigan the authority to impose reasonable restrictions, which is the very reason why we stand here today with S. 2877.

Mr. BAUCUS. My only point is that statement of Chief Justice Rehnquist

has no effect. It is not the law of the land. It is just a gratuitous opinion of the Chief Justice because he disagrees with the rest of the Court. The point is the statement of the Chief Justice is not binding. It is not the law. The law is not at all what the Chief Justice volunteered—states.

Mr. COATS. The Senator is absolutely correct. The statement of Justice Rehnquist is not the law of the land. It is not the law of the land because Congress has not granted the State of Michigan or any other State the authority to impose reasonable restrictions that do not pose an undue burden on interstate commerce. We are attempting to do that today. S. 2877 would grant that authority. That authority, then—according to numerous opinions by the Court, the majority of the Court as well as the minority support—would, then, uphold that authority. And that is why the Senator from Indiana initiated this in the first place and why he goes forward with confidence that this language will be held constitutional.

The opinion of Justice Rehnquist may very well be the opinion of all nine members of the Court. But their decision is based on the fact that Congress did not grant the authority and, therefore, they really had no basis on which to overturn the commerce clause because precedent said without grant of a specific congressional authority they have no precedent to overturn the commerce clause.

Mr. SYMMS. Mr. President, will the Senator yield on the point for a question?

Mr. COATS. I will be happy to.

Mr. SYMMS. I thank the Senator for that explanation. Then, if I understand the Senator correctly, Mr. President, what he is saying is the Court has said that it does not have the authority to interfere with the commerce clause. But only Congress can interfere with the commerce clause and grant that authority to the States. So what this Senator is then posing to the Senator, if this legislation passes and is signed into law or becomes law without the President's signature, and according to the President's position on this is:

> The administration opposes enactment of this bill . . . that would allow State Governors to prohibit or limit the disposal of out-of-state waste. The bill's restrictions on interstate transportation of waste do not maximize economic efficiency, and could increase public health and environmental risks posed by environmental waste in some communities.

What the Senator from Indiana is saying is if Congress grants the Governors this authority, then the Court would be in the position to uphold the law because Congress would have granted that authority? That is the opinion of Justice Rehnquist? Maybe the chairman of the committee would comment on that also. Is that the understanding of the Senator?

Mr. COATS. That is the understanding of this Senator. That is what the courts have consistently ruled in cases dealing not only with shipment of solid waste but commerce in general.

However, the Congress clearly, I believe, if my reading of constitutional law is correct, and I do not pretend to be a constitutional scholar, either—the State has to prove an overriding public interest in order to override the commerce clause. There are a number of celebrated cases early in our Court's history that have upheld the power of the commerce clause. And I have every confidence the Court would uphold that power. Except where a State can come in and show overriding public interest.

Mr. SYMMS. Let me ask this question, then, Mr. President, and I thank the Senator for the answer to that.

What does the Senator and what does the chairman of the committee anticipate that the precedent is, by passing this legislation, for future attempts to grant States more authority to stop materials from coming across State borders into the States?

Mr. COATS. Well, I think—I do not share the opinion of my friend from Idaho that this is the opening of the door, the foot in the door, the camel's nose in the tent type of legislation that is going to undo the effect of the commerce clause. Over the years Supreme Court decisions have consistently held that the commerce clause restriction on State power is a dominant restriction and that States may not regulate areas affecting interstate commerce when such regulation has an undue burden on that commerce.

The undue burden test apparently—and I say this without claiming again to be a constitutional expert or even spending a great deal of time in recent days on this particular subject. I think we are discussing an important point here, one that has some relevance to the bill at hand. But I do not believe for a moment that the authority that we are granting States under this legislation is going to be the basis on which States are going to be able to go forward and undo the effect of the commerce clause.

Mr. SYMMS. Mr. President, I think I would agree with the Senator. But would he agree with this Senator that the precedent that this bill is focused on is strictly solid waste, period; not for other kinds of materials?

Mr. COATS. This bill is limited to municipal solid waste; that is correct. The definition is spelled out in the legislation before us.

Mr. SYMMS. I thank the Senator.

Mr. COATS. Mr. President, I might also point out, the point has been made that this is a solution searching for a program; that while this may have been a problem in the past, it is quickly being resolved. That certainly is not the case in Indiana; I do not believe it is the case in many other States. And I would like to cite some figures relative to that.

In 1991, the State of Indiana received 1.45 million tons of out-of-State trash, which amounted to 528 pounds of out-of-State trash or garbage for every man, woman, and child in the State of Indiana. We have 5.5—or more—million people in our State.

The claim that imports of trash have been reduced is not again supported by the facts, even for figures we have for the first quarter of 1992. Out-of-State trash received in the first quarter of 1991 in Indiana was 273,043 tons. In the first quarter of 1992, it was 376,757 tons. That is a very substantial increase in the amount of trash coming into our State.

This Senator is not claiming that all that trash is coming from New Jersey. I do not believe I have said that in this debate, and I will take on the face of it the statement of the Senator from New Jersey that they are making a good-faith effort. In accord with the agreement signed between their Governor and our Governor, very serious attempts are being made to limit the out-of-State trash. But it is coming from somewhere. And if it is not coming from New Jersey, then it is coming from somewhere else.

I cited earlier a quote from Assemblyman Morris Hinchey, who chairs the New York State Commission on Solid Waste Management, who said, "We are relying more and more on out-of-State disposal." The amount of solid waste exported from New York State and deposited in States like Indiana and others has increased 400 percent in the past 5 years. And while, in 1991, the State of New York only generated 2 percent more trash than they did in 1990, their exports increased 19 percent. Fifty New York landfills stopped taking waste in 1991, and not a single new landfill opened.

What we have here is a game of pass-the-trash. We have situations where trash flows into one State or one part of one State until the public outcry reaches such a level that it becomes very difficult to continue that process, and trash then is stopped from flowing into that particular site and flows into a site either in the next county or, in many cases, the next State. This game of pass-the-trash is move-the-trash, keep it moving from place to place, and we will eventually beat this game.

I commend the State of New Jersey for passing some tough laws to attempt to become self-sufficient in terms of dealing with their solid waste problems. In fact, they set a goal, I believe, of 1992 to achieve that. They were not able to achieve it. It was an ambitious goal. I commend them for trying. I believe the best information I have is that they need an additional 5 to 7 years to accomplish that goal.

People continue to say: Just give us more time, and we will solve this prob-

lem. And why does Indiana not recognize we have been through what you have been through, and that we have a density problem and we are doing our best to solve it?

Let me tell you why. Indiana has 5 years or less total capacity for landfill. We have gone from 150 landfills in 1980 to about 75 today, with a further reduction to at least 50 or less in just the next few years. With 5 years or less landfill capacity, the landfill clock in Indiana is ticking. So our efforts to be responsible as a State, to impose new restrictions regarding the generation of waste, incentives and requirements for recycling of waste, upgrading our landfills, siting new landfills, our entire waste disposal plan is rendered useless if we cannot put some restrictions on the amount of waste flowing into our State from other States.

So we are attempting to do what those States claim: Give us more time to enact our plan. We are attempting to enact our plan, but find our efforts overwhelmed by the 1.45 million tons of trash which flowed into our State in 1991. What we want to be able to do is sit down at the table with those States that want to ship trash into Indiana and say: If the local community wants that, if we can work out a satisfactory agreement, if we can make sure that we do not overwhelm our own efforts, if we can make sure that we can reserve some of the capacity for our own waste, then we will talk.

Right now, we cannot talk. Right now, we absolutely prohibited from having any say whatsoever in terms of determining our own destiny, and that is the reason why not only Indiana, but Pennsylvania, Ohio, Wisconsin, Michigan, Illinois, Missouri, Oklahoma, New Mexico, and State after State after State after State is saying: We need some ability to determine our own destiny relative to our own environment.

This bill provides a balance. It provides an opportunity for States that find themselves in difficult situations, unable to meet their own requirements in terms of taking care of their own trash, and that need to export for a period of time. It allows some of that to go forward as long as it is part of a negotiated agreement, or an agreement that has already been in place with the host community; and, under certain circumstances, at volume levels that were established before the effect of this particular legislation.

By the same token, it gives States that are on the receiving end of this waste the opportunity to impose reasonable restrictions which I do not believe interfere or set a precedent that is going to undermine the effect of the commerce clause.

Mr. President, the Coats-Chafee amendment is pending. We are still attempting to resolve this matter. Hopefully, we will have an answer on that. And if the answer is not satisfactory, I hope we can move to a vote relatively soon. If it is something we can resolve, then I think we can move forward with this legislation.

With that, Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I think that the Senator from Indiana has made quite clear his interest in resolving the problem. We would like to resolve it. No one likes to see the trash trains or the trash trucks coming into their communities.

The fact is that—as I think everyone here now knows—exporting is no fun either. This is not something we want to continue. What we are looking to do is to try to get enough time to deal with the problem sensibly.

This is a national problem of major magnitude. This does not just involve New Jersey, Indiana, Pennsylvania, and New York State. This involves almost every State in the Union one way or the other, either on the export or the import side.

So the best thing we can do, if we can, is to try to develop an understanding that enables us to reduce the volume of exports.

What we are trying to do, Mr. President, in the moments right now—and I appreciate the fact the Senator from Indiana does want to try to effect a compromise that satisfies us both. Implicit is that there is an agreement which really does not satisfy either one of us, but that is the way it goes; no one gets everything they want when it affects States' interests. We are at the moment, at this very moment, in touch with the present administration in New Jersey, talking to our Commissioner of Environmental Protection, to see what we can do to reach a consensus view that permits us to go forward without further debate.

(Ms. MIKULSKI assumed the chair.)

Mr. LAUTENBERG. Now, I do not know whether that is possible. I hope so. I think we are awfully close to developing an understanding that satisfies us both, but meanwhile, Madam President, we are asking for the time, the opportunity to continue to try to strike a compromise that works.

Madam President, it is pretty obvious, I assume, by my comments, that I am going to vigorously oppose the amendment offered by the Senator from Indiana. This is not something, to use the expression, we can live with. The amendment that is being proposed would undo the work of the Senate Environment and Public Works Committee and unravel a carefully constructed proposal developed by the Environment and Public Works Committee. In fact, this is a proposal that the Senator from Indiana—although he is not a member of that Committee, he did testify and help us in the deliberation—joined with the Senator from Montana in introducing just last month. But the Coats amendment would pose a significant threat to New Jersey and other States compelled to export trash, municipal garbage. For these reasons, I strongly oppose the amendment, and I intend to fully discuss my opposition to the amendment.

Madam President, the Senate Environment and Public Works Committee adopted comprehensive provisions to address the issue of interstate waste shipments as part of S. 976, amendments to the Resource and Conservation Recovery Act, commonly known as RCRA, and approved by the Environment Committee earlier this year.

The members of the committee, those—and that includes, of course, this Senator—representing States like mine that export garbage and those representing States that import garbage, worked in good faith to develop an environmentally sound proposal sensitive to all States without being unfair, as much as possible, to any State.

The National Solid Waste Management Association reports that 43 States, almost every State exported municipal solid waste in 1989. So this is a matter of national concern that affects so many States.

The committee proposal left to local governments the choice of whether to build new landfills to receive waste from other jurisdictions. Many communities have shown they can deal with this issue responsibly, and some have invited imports of waste to landfills that are built to meet rigorous environmental standards.

Why would they encourage that? For some, Madam President, it involves sites that bring income into the community. We have all seen that at times communities have resorted to all kinds of activities to create jobs and revenues. It is well-known that communities around the country have invited waste disposal facilities like incinerators. We see it time and time again when a prison is contemplated. Many communities will opt for these because they are so desperate to keep the services in their communities going.

Not that having a properly licensed waste facility is like a prison, but one can understand at times why a community which knows very well that what they are doing is environmentally sound would reach out to try to develop some revenues and some jobs. And so we see communities saying we know what we want to do and we invite those who are looking for a place to dispose of trash to come to community X, Y, or Z.

The committee proposal grandfathered existing contracts. In doing so, the committee recognized the need for a period of time to allow States to

reduce their exports and understood that sudden abrogation of an existing arrangement for waste disposal could impose costly, environmentally destructive measures on the exporting community, suddenly finding themselves without an acceptable option for waste disposal, one that they had planned to use often, for some time as they developed other approaches to waste disposal.

Yesterday, the distinguished Senator from Indiana argued that this provision appeared after the committee acted, the provision that protects existing contracts. The Senator is incorrect. The committee provision always protected existing contracts. In fact, this provision was the basis for the committee compromise.

There was a change in the contracts provision in S. 2877. Senator BAUCUS reduced the scope of the provision to ensure that it only covered written legally binding contracts. He wanted to make it perfectly clear that these were specific agreements and had very precise conditions. Senator BAUCUS added a provision to allow the Governors of these States to require that these contracts be filed with the States so State governments knew what was taking place.

So the argument, Madam President, that the Senator from Indiana raised yesterday that States would not even be aware of the nature of these agreements is simply wrong. Senators should not think that this was some provision snuck into the bill in the dead of night. It was a fundamental provision of the Environment Committee's work on this issue. And when concerns were raised about the provision subsequent to committee action, Senator BAUCUS acted to address those concerns.

The bill gave exporting States time to reduce exports, but it also ensured that there would be a limit on those exports, and exporting States were put on notice that they would have to reduce their shipments of garbage to other States. What they needed was time.

The interstate waste provisions approved by the Environment and Public Works Committee as part of S. 796, the Resource Conservation Recovery Act amendments, were authored by the Senator from Montana, Senator BAUCUS, and Senator CHAFEE and supported by members of the committee, by Senator WARNER from Virginia, Senator WOFFORD from Pennsylvania, both of whom represented States currently receiving significant solid waste imports. They knew of their State's concerns, but they also knew that there had to be some kind of an effective compromise that would start the process going, not just cut it off in the middle of the night.

The legislation before us today, S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, was introduced only weeks ago by Senators BAUCUS and COATS. It is based on the committee's earlier work. However, in the interest of further addressing concerns raised by importing States, it was revised to permit all States to freeze the level of municipal waste imports at 1991 or 1992 levels, whichever is lower, subject to certain conditions.

Madam President, there are provisions in S. 2877 with which I disagree, but a compromise means that each side has to give. S. 2877 recognizes that solid waste disposal is a serious national problem. The Nation is choking on the 180 million tons of garbage that we generate each year. Everyone knows that we are a throwaway society relying on excessive packaging and single-use products. There is not a lot of ingenuity placed in the way we deal with pollution or garbage in the first place. While we continue to generate mountains of municipal waste, our existing capacity for disposing of it is shrinking.

It is very interesting. The Senator from Indiana in his earlier remarks talked about the risk of running out of capacity. He said that Indiana had—he gave the number, I do not remember precisely—I think it was around 150, down to something like 70 or 80 landfills remaining. He is right to be worried about that because what is the State of Indiana going to do when its landfill sites are filled with its own domestically created trash?

New Jersey attempted to deal with that very problem. We tried to protect our capacity. It was not that we were simply opposed to out-of-State waste coming into our State. It was because even 20 years ago it was pretty obvious that one day we were not going to have a place to put the stuff. So what happened is we took it to court. And the Supreme Court one day said no, New Jersey, sorry, you have no choice. Under the commerce clause, I believe the decision was made, that we had to continue to do what we were doing.

I guess, Madam President, that brings us almost to the current day when knowing that the commerce clause protects the transport of interstate trash, that an attempt is being made here to create law that will deal with that problem.

But nevertheless New Jersey was compelled to give away its capacity. That is why we are here today in the situation that we find ourselves, at the same time we work further and harder to reduce the amount of garbage we create. New Jersey has the No. 1 position in terms of recycling across this country, up over 50 percent of all solid waste. That is a pretty good goal. We are moving rapidly. Yes; we had hoped to be totally able to deal with our trash within our borders in a period of time that is shorter than now appears to be. But we are working on it. By 1995 we expect to be over 60 percent recycled of our solid waste.

Just a few months ago EPA issued final landfill standards, standards which EPA says could lead, hear this, to the closure of hundreds of substandard landfills. Some areas now face a short-term capacity crisis. More areas are going to be so faced.

So what we did was to develop a national response. We tried to deal with our waste problem, to promote recycling and production of recyclable products and to promote safe disposal of waste. We did not want to narrow options where environmentally sound and economically feasible alternatives do not yet exist. We did not want to create new environmental problems. We wanted to encourage environmentally sound disposal practices. We wanted to address interstate shipments of municipal waste in the context of a comprehensive response to our waste problems.

The amendment before us today would throw all of those efforts out the window. It would impose artificial restraints without any environmental justification, that would harm the environment and disrupt communities all around this country, both exporters and importers. The Coats amendment would make significant changes to the committee bill before us. It would eliminate the protection in this bill extended to existing contracts.

Madam President, S. 2877, would respect legal relationships. That is not particularly revolutionary. It is in our Constitution. Contracts have to be honored. Communities rely on these legal relationships. Termination of these contracts would result in sudden termination of existing legal commitments, and it would threaten the ability of communities all across this country to dispose of solid waste in an environmentally responsible manner.

The sponsors of this amendment might argue that the provisions of this bill are overreaching and restrict the ability of a Governor to act to protect legitimate health and safety interests.

I have to admit that this argument surprises me. As I mentioned, the contracts provision was in the interstate waste section of the environment committee's RCRA bill. It was included in S. 2877, which Senator COATS joined Senator BAUCUS in introducing.

So what we are looking at now is the change from that which the Senator from Indiana had agreed to as a framework for resolving the problem. It was not until yesterday that we were presented with the arguments regarding an alleged affect of the contracts provision on a State's power to protect the health and safety of its citizens.

With some time in reflection it may be possible to address legitimate concerns that the bill as drafted may have had some unintended consequences. However, this amendment would under-

mine one of the underpinnings of this compromise legislation.

That is, the protection of existing waste disposal arrangements until such time as environmentally sound alternatives can be implemented. These contracts do not last forever, and I am not arguing that they should. Most of the contracts that jurisdictions in my State have entered into will expire over the next few years.

To suddenly allow these contracts to be abrogated, as the Senator from Indiana argued yesterday, would terminate the arrangements for waste disposal on which they are relying. Let us remember that even without this amendment, there will be a loss of some capacity for disposing of garbage; some capacity will be lost right away, because the landfills will not be grandfathered under the bill.

This amendment makes the situation much worse. Additional capacity would be lost as the four largest importing States were able to reduce imports at the largest landfills to 30 percent of garbage disposal, and existing arrangements which communities relied on in good faith would be abrogated. This would be a radical and unproductive step. It would be deeply disruptive and injurious to New Jersey and other States that must export garbage while they implement and develop sound, long-term environmentally acceptable disposal measures.

States need time to adapt to restrictions on the interstate transport of municipal waste. They should not be pushed into emergency and environmentally unsound solutions to waste management problems.

For this reason, Madam President, leaders of the Nation's major environmental groups have opposed unreasonable restrictions on interstate waste shipments. They argue that garbage bans inevitably lead States to adopt quick-fix solutions that are harmful to the environment and will interfere with the development of recycling markets.

The amendment would give a State the power to ban a portion of out-of-State garbage suddenly, virtually capriciously, and without any regard for its impact. This would have significant adverse effects. The Coats amendment would be harmful to the environment, because it would force States that are locked out to take desperate steps to dispose of solid waste, steps that may mean a rush to incinerate or reopen unsafe landfills. It may mean more illegal dumping. We have all seen it.

In New Jersey, one pays a very high price for garbage disposal. Some communities are now charging by volume, charging by weight, and what we are seeing, Madam President—and I do not think it is unique to New Jersey, because I have read stories about other States—is people taking plastic bags full of garbage and throwing it out on the roadways so people do not have to pay the price. People are besieged by the lack of capacity to deal with current financial problems, and they search for ways out, and we ought to be helpful and not force people into irrational steps, which is the result of what happens when you suddenly close down on an avenue or a process that has been in place. Ironically, this amendment could preclude disposal in the most environmentally protective landfills.

Madam President, in this the Environmental Protection Agency agrees. At a Senate Environment and Public Works Committee hearing on these issues, Environmental Protection Agency Administrator Reilly said:

> We should not create any authorities that operate as a ban on interstate transport of either solid or hazardous waste, thereby inhibiting or restricting development and use of the most appropriate technology for waste treatment or recycling.

Administrator Reilly also said that interstate waste did not present an environmental problem and that immediate bans would lead to the undesirable disposal of waste, including illegal disposal.

The administration opposes these restrictions. Clearly stating EPA's position, the Assistant Administrator for Solid Waste and Emergency Response, Don Clay, wrote to Congressman LENT in February of this year indicating the administration's opposition to restrictions on interstate waste.

I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. The Coats amendment would block the development of a comprehensive solid waste policy. Instead, it would pit State against State in garbage wars that could hurt many States.

Most States now export some of their waste. The Coats amendment would create chaos in towns and counties in those States that are relying on existing contracts, existing arrangements to ship waste across borders.

Some of my colleagues may say, well, we do not ship out very much. We take in more than we ship out. The Coats amendment is a good deal for my State, they may say, I warn my colleagues, do not be fooled; the tide turns oh so quickly.

Madam President, New Jersey, as I said earlier, was a net importer of garbage until 1988—that is not a long time ago. We took garbage from New York and Pennsylvania. We did not want to be good guys, but those were the arrangements and that is what we did. Almost overnight, we were forced now to become an exporter, because our friends and neighbors across our borders had used our capacity. The same thing can happen to others.

As a matter of fact we heard earlier from the Senator from Pennsylvania, who decried the fact that so much was being shipped to his State. Yes, it is significant, but I remind those listening that New Jersey was one of the biggest importers of Pennsylvania's, certainly Philadelphia's, garbage for many, many years. Perhaps we should have had a data bank that said, use our capacity today and maybe 20 years from now we have a deal that we in turn will get the same things back from you. In hindsight, that probably would have been the better way to work. Time has passed and we are where we are, and we are all in this boat together, a boat filled with garbage and trash. We have to solve the problem jointly.

An example of the kind of thing of which I speak is Kentucky. New Jersey used to ship waste to a landfill in Kentucky, but that shipment ended in 1991. I understand that Kentucky may now be a net exporter of waste.

Another example of how situations can change is the case of Rhode Island, which may find itself with a waste disposal shortage by 1994. Just this past week, the Rhode Island Legislature enacted legislation prohibiting the construction of incinerators and requiring the State to achieve a 70-percent recycling rate.

According to the chairman of the Rhode Island Solid Waste Management Corp., Mr. Jerrold Lavine, Rhode Island may have a capacity shortage in 1994 as a result of this legislation, the legislation that we are talking about right now. They may have a capacity shortage in 1994, I am reminded, as a result of the legislation in Rhode Island.

So the Coats amendment may look like a good deal this year, but it may be a terrible deal in a very few years.

Madam President, while this amendment would affect the 43 States that now ship municipal solid waste across State lines—I obviously am most familiar with the situation in my State of New Jersey. This amendment could have disastrous effects on our State. So, I want to convey to the Senate the progress we have made over the past few years toward developing our own self-sufficiency in our disposal practices and set the record straight about New Jersey.

Too often New Jersey is maligned because people do not know our State well enough. I can tell you this, that New Jersey ranks among the top States in developing patents, many of them in the pharmaceutical and chemical area that are extremely beneficial to health and then ultimately to the environment. And New Jersey—sounds funny to say this as I talk on the floor with my good friends from Montana and Idaho—New Jersey has more horses per square mile than any State in the country. I want Senators to know that. We may not have a lot of

horses. But we do not have a lot of square miles either.

New Jersey is a beautiful State with a lot of natural beauty. We have about 1 million acres reserved for the Pinelands, the State preserve that takes up a considerable part of the State's land.

We are very conscious of our need to be environmentally responsible. We have wonderful coastlines. We want to protect the ocean. We stopped, effectively—and this Senator takes credit for it, for having stopped plastic dumping and sewage sludge in the ocean. We have tracked medical waste so people are not just throwing things into the sea and having them wash up on our shore or other shores or the beautiful shores of Maryland, the State of the occupant of the chair.

So we work hard at protecting our citizens and at protecting our environment. And we are the leaders in the country in recycling efforts and we are well on our way to solving waste disposal problems.

So I want to make sure it is clear, in case it has not been to this point, that I am unalterably opposed to this amendment.

For most of the century until the mid-1980's, New Jersey was an importer of solid waste. As recently as the period of 1980 to 1982, more than 10 million tons of New York and Pennsylvania garbage was sent to New Jersey for disposal. As I said earlier, as a result, the landfills in my small, most densely populated State in the country filled up.

Today, New Jersey exports solid waste. But, this is not a situation we like or intend to continue. We do not like being dependent on other States for garbage disposal. We do not like having a gun placed at our heads and saying you cannot do this or you cannot do that or how much you are going to have to pay, to be held up essentially for blackmail. These are some of the conditions that are beginning to exist. So we want to get out of that business. We want to solve our problems within our State borders. But we need time to do it. We are on an excellent track to solve those problems and we are determined to do so.

New Jerseyans already pay more for garbage disposal than citizens of any other State in the Union. We want to be totally self-sufficient. But give us the time to do it. And though other States may not be in the same extreme condition, there are lots of States bordering on that unfavorable dilemma.

Self-sufficiency is a major component of New Jersey's solid waste policy. That is why our State is implementing the most aggressive recycling program in the Nation. We hold ourselves up as an example for others. New Jersey now recycles 52 percent of its total waste stream and over one-third of its municipal waste. Recycle. Our people are working on it. Everyone is aware.

Because of our densely populated structure, we have lots of apartment dwellers. It is more difficult for apartment dwellers to recycle. We live together in a crowded condition and we somehow or other get our message through to everybody. We are, I am proud to say, now recycling over one-third of our municipal waste.

The goal is to recycle 50 percent of our municipal waste and 60 percent of our total waste stream by 1995. That is not a long way away. We are talking about 3 years from now. New Jersey expects to be recycling 60 percent of its total waste stream. We are running just about as fast as we can and, therefore, when it comes to saying to New Jersey or to other States who need this capacity right now, we are going to send you off the cliff overnight, we say hey, wait a second; we are doing what we can, we intend to do better, and we hope that other States around the country will do as well as New Jersey.

We have added more than 1 million tons of disposal capacity over the last year and half, and that is really searching every nook and cranny that you can find, and as a result we have already significantly reduced our garbage exports down to 21 percent of our waste, not as is often quoted the more than 50 percent. That is again maligning our State and its effort. Twenty-one percent, not the fifty percent that is so often talked about.

By 1991, New Jersey had reduced its municipal garbage exports to 1.65 million tons, not the 5.5 million ton figure that is so often cited. And our commissioner of environmental protection and energy—that is one department—Mr. Scott Weiner, who used to work for me, testified to the Environment and Public Works Committee that New Jersey is ready to complete the job of ending garbage exports. Again, all it needs is some more time.

New Jersey is now evaluating additional applications for disposal capacity and recycling facilities that will further increase the amount of recycling. New solid waste facilities, together with additional recycling efforts, will assist New Jersey in obtaining its goal of self-sufficiency.

I have consulted closely with the New Jersey Department of Environmental Protection and Energy and the office of the Governor of New Jersey about the Baucus-Coats bill. Their analysis indicates that S. 2877, while reducing the level of exports of trash, will avoid the immediate disruption or environmentally damaging responses by our State. But it will require that New Jersey continue its effort to reduce interstate waste shipments.

I want this information clearly before the Senate and on the record: The fact is no waste from New Jersey is going to Indiana. My lips do not have to be read, but the record should reflect no more waste to Indiana from New Jersey.

The issue arose in this Senate again yesterday, and I introduced into the RECORD an article quoting the chief of the Indiana Department of Environmental Management's solid waste branch, stating that all parties concur that the existing interstate garbage enforcement agreement between New Jersey and Indiana is working and working well. And the Indiana official confirmed that waste shipments from New Jersey have ceased. In fact, according to the article, of the six landfills that receive the overwhelming bulk of waste imported by Indiana in 1991, only one exists today and receives any waste imports.

When Senator COATS repeated yesterday in the Senate that waste was being shipped from New Jersey to Indiana, I checked with the New Jersey Department of Environmental Protection and Energy to confirm my statement. The officials at that department assured me that: First, New Jersey is not currently permitting any waste, allowing any waste to be shipped from New Jersey to Indiana; and second, that Indiana has not informed New Jersey of any alleged illegal shipments.

Madam President, I ask unanimous consent that a letter sent to my colleague, Senator BRADLEY, and me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY, OFFICE OF THE COMMISSIONER,

Trenton, NJ, July 21, 1992.

Senator BILL BRADLEY,
Senator FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATORS BRADLEY AND LAUTENBERG: As you have requested, this is to provide you with a determination of the amount of solid waste which has been legally transported from New Jersey to Indiana for disposal.

New Jersey operates its solid waste through a regulated waste flow system where all waste is directed to specific points of disposal. Any solid waste shipments which flow outside of this system are considered illegal and subject to enforcement actions. This provides environmental controls to ensure proper disposal while also facilitating the financing of needed solid waste facilities through guaranteed waste and revenue flows.

Our records indicate that only 3,035 tons of solid waste were legally shipped to Indiana in 1991 (out of a total 2,717 million tons disposed out of state that year). This waste was entirely generated from one facility in Essex County and the last shipment to Indiana from this facility was in April 1991. An estimated 75% of the 3,035 tons consisted of bulky wastes (e.g., appliances, tree stumps, construction and demolition debris) (Type 13), 20% was non-hazardous dry industrial waste (Type 27) and the remaining 5% was municipal household solid waste (Type 10). Thus far in 1992, our records indicate that no solid waste has been legally shipped to Indiana.

As you recall, New Jersey has worked closely with the State of Indiana through a bi-state agreement signed in August 1991 by

Governors Bayh and Florio which provides for mutual investigative and enforcement actions to stem illegal waste flows. As stated by Governor Florio at the signing, no solid waste was being shipped to Indiana at that time and there are no plans to transport any more solid waste in the future. This agreement has already proven of value in the tracking of waste flows and the origination of solid waste. Furthermore, it has assisted Indiana to determine the source of wastes which end up in their landfills. To date, nine enforcement actions have been taken as a result of this agreement.

Indiana's records indicate that 109,000 tons were received from New Jersey in 1991. The Department of Environmental Protection and Energy solid waste enforcement unit is working together with the State of Indiana to investigate the discrepancy in our numbers. We have identified several explanations. First, there are cases of illegal transport. Also, New York or Pennsylvania waste has been legally hauled by trucks with New Jersey plates and considered New Jersey-originated waste by Indiana inspectors. Also, New York or Pennsylvania waste is being hauled to New Jersey transfer stations and then transported to Indiana. In such cases, the waste might be manifested as New Jersey waste though its source is New York. Significant amounts of waste from New York are transported to New Jersey transfer stations for processing, retransport and disposal out-of-state. We will know more as the investigation continues and I will keep your offices informed.

The initial conclusions, I believe, are that: (1) New Jersey has an active, accurate system that—maintains control over waste flow (2) no waste is legally going to Indiana at this time, and (3) New Jersey has worked effectively with Indiana to address these issues.

I thank you for your efforts in the Senate on this important issue.

Sincerely,

SCOTT A. WEINER,
Commissioner.

Mr. LAUTENBERG. Madam President, I will take the liberty at this moment of reading some excerpts from that letter. The date is today, July 21, 1992. And, by the way, the heading on this stationery is: "State of New Jersey, Department of Environmental Protection and Energy, Office of the Commissioner, Scott A. Weiner," who is the commissioner.

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Our records indicate that only 3,035 tons of solid waste were legally shipped to Indiana in 1991.

That is out of a far larger total.

This was entirely generated from one facility in Essex County—

To which the Senator from Indiana made reference—

and the last shipment from this facility was in April 1991.

We are talking about a year and a quarter ago.

An estimated 75% of the 3,035 tons consisted of bulky wastes (e.g., appliances, tree stumps, construction and demolition debris) (Type 13), 20% was non-hazardous dry industrial waste (Type 27) and the remaining 5% was municipal household solid waste (Type 10). Thus far in 1992, our records indicate that no solid waste has been legally shipped to Indiana.

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Unfortunately we get credit for material being directly from New Jersey. It is not. It could be, again, a trucking company, a transport company that hauls this material.

In such cases, the waste might be manifested as New Jersey waste though its source is New York. Significant amounts of waste from New York are transported to New Jersey transfer stations for processing, retransport and disposal out-of-state. We will know more as the investigation continues and I will keep your offices informed.

The initial conclusions, I believe, are that: (1) New Jersey has an active, accurate system that maintains control over waste flow (2) no waste is legally going to Indiana at this time, and (3) New Jersey has worked effectively with Indiana to address these issues.

And then there is a closing comment.

So the Senator from Indiana, when he talks about waste shipments from New Jersey, must respectfully note that the record is clear from our standpoint, and I hope that he will correct any assertions that he made to the contrary.

I also want my colleagues to note that New Jersey and Ohio are about to sign a similar enforcement agreement.

Madam President, let me summarize the arguments against this amendment.

The Coats amendment would hurt the environment. That is the end conclusion.

It would set back genuine efforts to establish a national, comprehensive solid waste policy.

The Coats amendment would disrupt communities all around the country. Forty-three States now export some waste. And Senators have to look at their own State's position and understand that though it is appealing to say, "Hey, don't ship it across the borders," it may be affecting the States they represent.

The Coats amendment would unravel a carefully crafted, responsible proposal to deal with a very complex set of problems.

Madam President, Senators should also be concerned about the precedent that this amendment would set. The Coats amendment would impose a radical solution that would abrogate legally binding contracts, something protected under the law by the Constitution of the United States.

Madam President, disposal of solid waste is a problem that we all share. It will affect each and every one of us in every State in this country. And we cannot solve the problem with quick-fix, shortsighted solutions which divide us with our particular State or regional interests, one against the other. That is not an appropriate way for this country to function. When we have national problems, all of us have to participate together in the solution. We do not want solutions that are going to cause greater environmental problems than we presently have.

Madam President, I hope that eventually Congress will be able to break the gridlock we are experiencing and enact meaningful legislation to promote recycling, reduce waste, and protect our environment from slipshod disposal practices. Meanwhile, Madam President, we have not yet achieved the goal. I hope in lieu of that agreement we will accept the reasonable proposal that Senators BAUCUS and CHAFEE developed. Although I feel the legislation before us goes somewhat further than it should, substituting artificial geographical restraints for sound environmental policy, I am willing to support it as it is at the moment. I am not willing to accept the amendments that have been offered.

I want to let my colleagues know, Madam President, I had planned to continue to expound at length about some of the environmental law that we in the environment committee had worked so arduously to develop, about things like clean air, clean water, safe water, and ocean dumping. I will forgo that pleasure, Madam President, in the interests of a compromise agreement which I hope will be struck in the next short while.

But I will conclude with a few words more. I hope the sponsors of this amendment will withdraw it, and join in supporting the bill pending before the Senate. But failing that, I hope we

will come to an understanding that some orderly process must be maintained before we shut down the transport opportunity that exists now for a temporary solution to the problem.

We have had extensive hearings and committee consideration on S. 2877, though it is not in that exact form right now. But it was dealt with in the hope of reauthorizing RCRA, which we still support.

Madam President, I, at this point, will yield the floor and, if no other Senator seeks recognition, suggest the absence of a quorum while we industriously approach a solution to the problem that will satisfy none completely. But I will remind my colleagues that the first few chapters here are of such interest, I do not want them to miss the opportunity to hear them. But for the moment, Madam President, I suggest the absence of a quorum.

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 21, 1992.

Hon. NORMAN F. LENT,
Congress of the United States,
House of Representatives, Washington, DC.

DEAR NORM: Thank you for your letter dated November 4, 1991, expressing interest in EPA's position on proposed interstate waste transport legislation. I share your concerns about the impacts of such legislation on states that export solid waste, and I am happy to provide you additional information about this issue.

Several pieces of proposed legislation have been drafted that would authorize states to impose fees on the disposal of out-of-state municipal solid waste (including draft Senate bill S. 976, a draft bill released for comment by the House, and proposed legislative language from state associations).

The Administration believes that even if such statutes were consistent with the general intent of the Commerce Clause for national markets, they would be undesirable as a matter of policy, since they would create great economic inefficiency. Arbitrarily dividing waste management along state lines would discourage the selection of the least costly treatment and disposal options for solid waste. It would balkanize waste treatment and disposal, inducing duplicative investments in waste facilities and attendant losses to society, and would be antithetical to our efforts to build market-based incentives to address environmental concerns. Each state could be compelled to replicate facilities already built in other states. Moreover, environmentally advanced landfills and specialized treatment centers may be commercially dependent upon shipments of waste from more than one state. Accordingly, there may be economies of scale and environmental benefits to methods of waste handling that require multistate supplies.

Bans would arguably provide a direct penalty for failure of the state to assume its "fair" share of disposal capacity. This "failure" would of course be exceedingly difficult to measure and distinguish from simply higher costs of disposal in an area. One particular problem associated with banning out-of-state waste, however, is that access to out-of-state capacity may be the only short-term option for some generators. In such instances, illegal waste dumping could increase. Another problem is that access to out-of-state capacity may be the only environmentally sound option for certain wastes, in which case banning waste transport could be adverse ecologically.

Differential fees, if capped, appear to be intended to provide a degree of compensation to states for the potential adverse effects and oversight of imported waste. Many states are currently (and legally) collecting limited fees that represent the costs of waste management oversight. There are, however, problems associated with such fees. The use of broad-based fees to create incentives for specific jurisdictions to reverse political decisions not to site disposal facilities adds an unreasonable general burden to the economy. Such fees fail to allow the free market to function, and limit the availability of cost-effective waste management to all states, raising economic interference issues similar to bans and compacts.

The formation of compacts between states has been offered as another alternative. There is some precedence for such an approach. The State Capacity Assurance Program, imposed by the Superfund Amendments and Reauthorization Act in 1986, has proven that states can work together to provide capacity. On the other hand, formal compacts (as opposed to informal regional planning agreements) can be administratively inflexible, making it harder for current "have nots" to gain membership after providing new capacity.

The Administration has additional serious concerns about these options, for the following reasons:

Any authority to ban interstate waste transport would represent governmental interference in an existing commodity market, an activity to which we are opposed. In addition, sudden restriction of municipal solid waste movement could precipitate a serious disposal crisis in areas now relying on out-of-state disposal. One likely result of this would be an increase in illegal dumping. Another would be environmentally unsound facility siting.

Fees could reduce the viability of municipal solid waste recycling, in the state that enacted the import fee, although this might be offset by an equivalent or greater amount of recycling (though not necessarily cost-effective recycling) in the exporting state, while bans and compacts could eliminate it. This would place an artifical constraint on one element of EPA's integrated waste management matrix (source reduction, recycling, combustion/energy recovery, and landfilling) in which source reduction and recycling are generally preferred to combustion and landfilling because of their positive conservation benefits.

Allowing state restrictions on waste management capacity could also lead to construction of inefficient and more costly facilities, as well as unneeded capacity.

States should site only the disposal capacity needed by the marketplace.

If each state had to provide for its own waste management capacity, waste management would be more expensive throughout the nation. Interstate transport limits would severely reduce competition, increase the price of waste management, and would forego economies of scale, therefore making waste management costlier in both currently importing and exporting states over time.

Imposing limitations on interstate municipal waste transport would interfere with existing waste management contracts. This raises possible Constitutional issues and may lead to litigation against state and federal governments.

Furthermore, market-based incentives provide the answer to many of the issues associated with municipal solid waste. Local and municipal governments should make certain that the price charged for waste services reflects the direct and indirect costs, including the opportunity cost of land used, closure and post-closure costs, and other relevant costs. Variable rate pricing, where the price charged for waste services changes with the weight or volume that each household produces, can have numerous benefits. Our evaluation of such programs that "get the price right" indicates that the pricing of disposal services can dramatically reduce the volume of waste disposed and increase recycling. It is logical, therefore, that if the volume of waste decreases, there will be less need to export waste to other states.

Finally, I would note that the recently promulgated rule governing municipal solid waste landfills is fully protective of human health and the environment; over time, the public's reluctance to permit new landfills to be sited should abate as a result of these new highly protective standards. As you may know, states have been improving their solid waste laws and as a result thousands of substandard local landfills will close because of these laws and the new federal rule. The municipal waste previously disposed locally will in many cases be shipped to larger new regional landfills that may or may not be located in the same state. EPA recognized this outcome when developing this rule. Landfills will be more expensive as a result of these more stringent design standards. In general, landfills will need to be larger in order to economically justify the investment needed to comply with the standards. However, EPA believes it better for communities to ship waste further away to larger, safer landfills than to continue to dispose of it in potentially unsafe local landfills.

The Administration believes, for reasons set out above, that there should be no authorities created that operate as a ban on interstate waste transport.

I have attached additional information on interstate waste transport issues in Attachment A, where you will find a copy of the April 30, 1992 testimony addressing this issue. The testimony was given by Don R. Clay, EPA's Assistant Administrator for Solid Waste and Emergency Response, before the House Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce.

You also requested information about instances when Congress has waived the Commerce Clause to permit states to ban or impose differential fees on out-of-state products. This information is provided in attachments B and C. Attachment B is a copy of a Congressional Research Service report on the Constitutional issues associated with the import of solid waste. Attachment C is an *amicus* brief providing information on statutes in which Congress has removed Commerce Clause limitations on State regulatory authority; additional examples are found in Attachment D.

I hope you will find this information useful. If we can be of further technical assistance on this issue, please have your staff contact James Berlow, Director of the RCRA Reauthorization Project, on 202-260-4622.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the President's program.

Sincerely,

DON R. CLAY,
Assistant Administrator.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I wish to speak first to the underlying bill and then make a couple of brief observations about the pending amendment.

KENTUCKY NEEDS THE AUTHORITY TO REGULATE OUT-OF-STATE WASTE

Mr. President, you may remember the now infamous voyage of the New York garbage barge back in 1987, which took its pungent cargo on a journey down our eastern coast. It came to symbolize our Nation's burgeoning solid waste problems. Since then, many communities have taken action to manage the waste they generate, but many have done nothing.

In New York alone, trash exports hit a record 3.8 million tons in 1991, more than double the amount of trash exported when the garbage barge was making its rounds half a decade ago.

Last week, a train carrying 2,000 tons of Northeast garbage was making the rounds throughout the Midwest. This so-called trash train tried to deposit its cargo into Midwestern landfills. Unable to find a taker, the train headed back home where its cargo was disposed of in New York's Fresh Kills landfill.

And, just yesterday, Mr. President, 19 boxcars of municipal waste were discovered near an abandoned mine in Muhlenberg County, KY. Local officials believe it is from the Northeast.

That is why we are here today. The solid waste problem continues. But unlike the communities back East that can deal with their garbage problems by exporting it to places far away, the folks in Kentucky can do little to keep trash out from other States.

Mr. President, my colleagues may be surprised to find out that in 1991, Kentucky, like New York, was a net exporter of municipal solid waste, but it hasn't always been that way.

My position on this issue is based on where Kentucky has been, and where Kentucky is going if Congress does not give States the authority to limit out-of-State waste. As recently as 1990, half a million tons of out-of-State trash was dumped in Kentucky, filling landfills and contaminating groundwater. The citizens of my State were powerless to stop it.

Unless Congress acts, my State may once again become the dumpster for the rest of the United States.

Today, it looks like we may have reached the long awaited consensus on interstate waste legislation. We may have finally reached a point where we are willing to give States the authority they need to control waste from outside their borders. I want to thank the distinguished Senator from Indiana who has pursued this issue with vigor and determination. Without his leadership, we could never have come this far.

I am proud to have worked closely with the Senator from Indiana since interstate waste first became an issue. Trash is not a glamorous subject, and it often seemed that we would never reach consensus on interstate waste legislation.

Back in 1990, I introduced a bill to allow States to charge higher fees for disposal of waste coming from other States. My rationale was that taxpayers in States with a surplus of landfill capacity should not be subsidizing States that have not invested in responsible waste management. While my bill did not pass the Senate, a similar measure that I cosponsored with the Senator from Indiana did pass the Senate as a floor amendment with 68 votes. Unfortunately, our language was stripped in conference.

I testified twice before the subcommittee on Environmental Protection, chaired by the distinguished manager for the majority. I discussed the necessity and urgency of passing interstate waste legislation for Kentucky.

Last September, I supported the Senator from Indiana's efforts to introduce an interstate waste amendment to the Department of the Environment Act. While Senator COATS eventually refrained from offering his amendment, the prospect of such legislation coming to the Senate floor effectively brought into focus the urgency of this crisis.

Later that year, I cosponsored legislation to give the United States more leverage to limit the amount of waste coming across our border from Canada.

In March of this year, I joined the Senator from Indiana again in introducing legislation to empower States and local governments to check the flow of garbage into their communities. Our innovative approach was yet another alternative we offered to solve the interstate waste issue.

And just 2 months ago, I was happy to be a part of the effort to refine the interstate waste legislation hammered out by the Environment Committee, to give States the authority to freeze trash at certain grandfathered landfills. This change has been incorporated into the bill before the Senate today.

Despite all of our combined efforts, however, unless Congress passes the Interstate Transportation of Municipal Waste Act, States like Kentucky will be prohibited by the so-called dormant commerce clause of the Constitution from protecting themselves from out-of-State waste.

The Supreme Court long ago ruled that the mere presence of the commerce clause prevents States from legislating in a way which burdens commerce between the States. While Kentucky has passed a comprehensive statute which has had the effect of limiting the amount of imported solid waste, it is not clear that it could withstand a constitutional challenge under this legal doctrine, particularly in light of recent court decisions.

The Supreme Court spoke directly to the issue of interstate transport of waste back in the 1978 case of Philadelphia versus New Jersey. In this case, the Supreme Court struck down a New Jersey statute barring the disposal of trash originating outside its borders. The Court ruled that waste, although not a valued commodity, is covered by the commerce clause, and that the New Jersey statute excessively burdened interstate commerce.

Since New Jersey's statute explicitly discriminated on the basis of State of origin, it was found to be "virtually per se illegal." In other words, since the statute explicitly barred out-of-State trash, it is presumed to be unconstitutional, unless the Government can show that the statute is narrowly tailored to achieve a compelling State interest. Mr. President, I could probably count on one hand the number of State statutes that have passed this rigorous legal test.

But that's not the last word Mr. President. Other Supreme Court decisions in other contexts indicate that States must adhere to a much more rigorous standard than the one enunciated in Philadelphia versus New Jersey. Back in 1951, the Court ruled in Dean Milk Co. versus Madison that discrimination against interstate commerce need not be explicit. In Dean Milk, the Court found a Madison, WI, ordinance requiring milk to be processed within 5 miles of the city's central square unconstitutional, even though it discriminated against both in-State and out-of-State milk producers. Thus, even if the statute does not discriminate on its face, if its effect is to burden interstate commerce, the statute must pass the high narrowly tailored standard and achieve a compelling State objective. The Supreme Court could easily apply this reasoning to overturn Kentucky's solid waste management plan which has effectively curtailed imports of trash from out-of-State, without explicitly prohibiting such imports.

Further, a State statute that discriminates in no way against interstate commerce must still justify its burden on commerce between the States. Many State statutes have been struck down by the Supreme Court simply because their effect was "so slight or problematic as not to outweigh the national interest in keeping interstate commerce free from interferences which seriously impede it."

As my colleagues can see, the Supreme Court has erected substantial

hurdles which States must surmount before they can impede interstate commerce. Unfortunately, the consequence is that it is virtually impossible for a State to restrict the importation of out-of-State waste without a specific delegation of Congress' plenary commerce power. Any solution, without such a delegation, is subject to a constitutional challenge.

That is why this interstate waste legislation is vitally important to my State.

As I said earlier, my State received half a million tons of out-of-State garbage in 1990. Since then, Kentucky has enacted a comprehensive solid waste management law which requires each county to plan for its waste management needs for the next 10 years. The new plan seems to be working fine. But it is likely that Kentucky's laws could fail the constitutional test, especially in light of the recent Supreme Court decision in Fort Gratiot versus Michigan Department of Natural Resources.

If there was ever a doubt on how the Court stood on interstate waste restrictions, it was laid to rest in this case.

In Fort Gratiot, the high court struck down Michigan's comprehensive solid waste management plan. Michigan's law was the model upon which Kentucky's plan was based. Although some differences exist with Michigan's law, Kentucky's solid waste management plan is now vulnerable to a constitutional challenge.

Today, Congress can make it crystal clear that States have the authority to regulate the flow of municipal solid waste into their State by passing this bill. Only with such an explicit delegation of this authority can States be certain that they are acting within a constitutional framework.

Mr. President, there seems to be a broad consensus today on giving States the authority to regulate the amount of municipal waste coming over their borders. I am hopeful we can pass this much needed legislation to allow local communities to control their own environments, and to plan for their futures.

For States, like mine that desperately need the protection afforded by this legislation, I cannot and will not support controversial or unrelated amendments that could jeopardize the passage of an interstate waste bill this year. Otherwise, small communities throughout Kentucky could be left vulnerable to huge waste imports by a legal challenge to my State's waste management plan.

If the members of this body truly want to resolve the interstate waste crisis, I urge them to oppose any amendment that does not deal specifically with the interstate transportation of municipal waste.

Support for any crippling amendment would probably mean no legislation at all, which certainly would leave States such as mine unprotected. So I hope we could avoid amendments that are not directly related to the subject of the legislation before us.

The Coats amendment, which I understand is the pending business, is certainly relevant and closes a giant loophole in this bill. The bill, the underlying bill, prevents Governors from exercising authority to stop out-of-State trash if it would interfere with private contracts. The problem, Mr. President, is that no one knows how many private contracts are out there. There could be 1 million of them. If we do not remove the exemption for private contracts, trash could still pour through the loophole in unprecedented amounts. It could well defeat the entire purpose of the legislation.

Because of this, I would support striking the language of the bill which prevents interference with private contracts. As Senator COATS has indicated, it is constitutional. With the Chafee second-degree amendment, the Coats amendment maintains the status quo and does not interfere with State laws or State constitutions. I think the Coats amendment and the Chafee second-degree amendment will strengthen the bill and be in the best interest of making sure that the underlying legislation does what it is intended to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, it is hard to get excited about the legislation that is before us. I think its very presence underscores some of its problems. For a long time this issue, garbage, has been raised periodically by any number of Senators, most of whom want to find a resolution to the issue.

For a number of years I know the Environment and Public Works Committee has worked very hard to try to get a solution to this problem on the larger issue of RCRA, the Resource Conservation and Recovery Act. Throughout these discussions—which periodically would degenerate into amendments offered on the floor to various appropriations bills—I have called for a comprehensive and fair approach. Comprehensive because, frankly, we are addressing an industry as old as society itself—garbage.

Garbage moves in commerce, whether we like it or not, just like most other goods. It is not some kind of special element. It is not some kind of special force or unique property. It is an object of commerce, and not unlike grain or steel or consumer goods.

The fact is that over 80 percent of all States export garbage. Over 80 percent of the States in this country take garbage that their citizens produce and export it to another State that accepts it. An estimated 15 million tons of garbage is shipped interstate every year—15 million tons every year goes from one State to another State. Sixteen States and the District of Columbia export more than 100,000 tons annually.

So what does all of this transport of garbage across State lines imply? What it implies is obvious. This is very big business. Some people are making a lot of money taking garbage from one place and transporting it to another place.

The solution to this garbage crisis should be fair because change is not going to be painless. An arbitrary, capricious policy will cost jobs, will create uncertainty and force localities to face 11th hour changes with few alternatives and no guidance.

Clearly, given the amendment that is pending, we have abandoned the concept of a comprehensive solution. In fact I think we have the opposite. It is a kind of rifle shot that allows a Governor to abrogate contracts that are already in existence, a contract that was entered into in good faith by a party in one State and a party in another State—a contract, for example, that would say that citizens of Minnesota could agree to send their garbage to citizens of South Dakota, or Wisconsin, or New Jersey for a 10-year period if someone in New Jersey, or Wisconsin, or South Dakota agreed to accept that garbage. That would have been a contract entered into by two private parties. What this amendment does is to allow the Governor of the State to abrogate that contract.

Clearly this only deals with a very small part of the overall issue. I would argue that the Environment and Public Works Committee has tried to move a more comprehensive bill but the various interests involved in the business have blocked a comprehensive bill.

So today the Senate is considering whether we should leave the loaf and take a bite instead. I hope that we will not.

Let me make one thing that is fairly obvious even clearer, and that is that in New Jersey we are activists on the issue of garbage. Our waste exports have been dropping and our recycling rates are increasing. We have sited new waste disposal facilities. In most States there is gridlock, but not in New Jersey. We have reduced waste volumes. Our statewide mandatory recycling program is really state of the art.

The bill has plenty of stick, though, for States such as New Jersey that do find themselves in a position of exporting garbage. It has a stick but no carrot.

We need help in finding new answers to the old problem, and I do not see that in this bill. We need encourage-

ment for packaging of products that are easy to reuse, to recycle, to compost. You will not find any of these subjects addressed in this bill.

What you will find in the bill is real enough, though. Under the bill, after it becomes law, a Governor for the first time will be able to make new landfills completely off limits to out-of-State garbage. This is not a small change. This will lead to a dramatic change in the way municipal solid waste is handled.

It will probably do nothing, however, to improve the environment. It will not make new jobs. In fact, the opposite could occur.

But the path is clear and the passage of this bill is clear. That is that each State is going to have to figure out how it manages its own solid waste, whether that State is one of the least densely populated States, such as the State of the manager of the bill, Montana, or whether it is one of the most densely populated States, such as the one represented by the minority manager of the bill, Rhode Island, or my own State. States are simply going to have to come to terms with the amount of solid waste that each produces and manage that solid waste.

What we really are asking is that the transition be an orderly one. There is no question about the direction that we are headed. But it is also clear that the attitude of cutting it off immediately is an attitude that will help no one. The fact of the matter is that garbage is a tough issue. But surely it is not a rationale for another war between the States. New Jerseyites, as I tried to make clear, are no strangers to solid waste imports. Up until 1988, in fact, more waste came into the State of New Jersey than left the State of New Jersey. New Jerseyites did not appreciate out-of-State garbage and tried to shut off the flow, and particularly tried to shut off a flow of Pennsylvania's solid waste.

I remember in one of my early events as a Senator going to all 21 counties in the State of New Jersey in 1 day. It was an effort to demonstrate how small the State is, how accessible it is, and how diverse it is. One of those stops was at a gigantic garbage dump in, I think, Gloucester County. There, the TV cameras paused with me standing at the dump talking about the trucks that were passing every 30 seconds, each with the name on the side of the truck "The Philadelphia Sanitation Solid Waste Disposal Department." In other words, the Philadelphia garbage was being dumped in New Jersey, and dumped in New Jersey, and dumped in New Jersey.

So New Jerseyites are not coming new to the problem of solid waste, nor are we new to the thought of not liking solid waste coming from out-of-State. We would like to have blocked that at one point. But there was only one thing that intervened, and that is the commerce clause of the U.S. Constitution, not an insignificant issue.

I mean there was a time when you went from one State to another State—many, many, many years ago in the infancy of our country—that there were tariffs charged among the various States. The purpose of the commerce clause is not to impede in interstate commerce, not to allow the Governor of a State to say you shall not be able to bring into my State lumber or steel or a particular kind of lumber or a particular kind of steel. The interstate commerce clause is a very fundamental aspect of our national economy. And when we get into saying that we put an impediment in the way of the flow of those goods, we are essentially moving more toward a fragmented political economy.

So when we in New Jersey saw Pennsylvania's waste coming in, or New York's waste coming in, and wanted to stop it, we came four square against the commerce clause of the U.S. Constitution. What happened is no mystery. Our landfills filled up with the waste from other States. Many of those landfills were closed because they were environmentally unsound. People were dumping everything in these solid waste landfills. They were dumping the most toxic materials. They were dumping rubber tires. They were dumping wet garbage. They were dumping every possible imaginable thing. Our landfills filled up with the garbage that came from our neighboring States.

In the 1970's, New Jerseyites used over 300 landfills statewide, 300 landfills in one small State, many of them being filled up by out-of-State garbage. A lot of those landfills were substandard, environmentally unsound. Today, over half of New Jersey's garbage in solid waste ends up in just 12 landfills; from 300 landfills to about 12 landfills.

For the last decade, we in New Jersey have struggled with this solid waste problem, and I might say we struggled with it in a way that most States have yet even to consider. For a number of years in the 1980's we found that people were passing the buck. State government was passing it to the counties, the counties were passing it to the public utility commission, and the public utility commission was passing it back to the county. Very little got done. But at least people began to see that business as usual, which was inaction, could not be a prescription for the long-term problem, because the landfills were filling up, and the landfills were closing. Therefore when we used the word crisis, we in New Jersey know what that means.

In the last decade the cost of trash disposal in New Jersey has gone up no less than 600 percent—600 percent in one decade; to more than $110 per ton.

Imagine someone who used to put their garbage out once a week and somebody would come and pick it up. It is a little bit like the water charge in many places in this country; you never even noticed it. Then on top of higher college costs, on top of higher health care costs, on top of higher State and local taxes, now you have a total bill that amounted to nearly $1,500 over a year possibly. It was a startling figure to people, more than $110.

What is the point to be made? That when you collect garbage, and you do not have a nearby landfill to put the garbage in, you have to pay higher costs to take the garbage a further distance to another State, to another private landfill, in a contract between two private entities, the transporter and the private landfill. Or you have to pay more to build a recycling center, a composting process, or an incinerator.

So whatever we say about the cost of disposing of garbage, we know one thing: It is going to be more expensive nationwide. In New Jersey we know that well because, as I said, the cost of disposing of a ton of garbage has gone up 600 percent.

Anyone familiar with the solid waste issue knows there is no obvious solution or a miracle technology at issue. Suddenly there is not going to be someone who invents a liquid that you can spray on garbage that will make it disappear. You have to take it somewhere, and you have to deposit it, and that costs money. Of course siting also presents enormous problems. Some of my colleagues may not be able to appreciate the difficulty of creating new waste management facilities in a State such as New Jersey, where on average 1,000 people live in each square mile and in some places 40,000 people live in each square mile. Imagine 40,000 people in a square mile—the phrase not in my backyard takes on new meaning when the backyards are jammed together so closely. That does not mean not in my small municipality, where 3,000 people live in a county or where there are 5 or 6 small towns with 6,000 or 8,000 or 10,000 people, but in a State where 1 county will have people living in a density of 40,000 per square mile. This is a total order of magnitude difference.

It is no secret that New Jersey, as I said, now exports quantities of solid waste. Frankly, I am not proud of it, and New Jerseyans are not proud of it, but we are not sitting back and counting on the wide open spaces of other States as our long-term waste solution. As I said, New Jersey is being aggressive. We are being responsible. Waste exports are decreasing dramatically.

New Jersey's program defined the term "state of art" for statewide mandatory recycling programs. We have made waste reduction and recycling first order priority. Sixty percent recycling is the goal in a few years. We are doing outstanding work on plastics recycling and waste composting. In this

body, I have gotten funds appropriated for recycling tires and plastics and recycling lead batteries. We are on the cutting edge. The fact of the matter is that you cannot turn a switch and suddenly recycle everything. You need a transition period, and that is what our hope was for this legislation.

Again, the point I made earlier: municipal solid waste disposal is an industry. People make money out of it. It is not some kind of public service. It is an industry where people make money. The relationship that exists between citizens, haulers, and disposal facilities is driven by economics and driven by custom. Both of those are important. If you have a State filling up with garbage, it is going to cost you more. That is economics, either to build a recycling facility or to ship it to a distant State.

It is not going to be the same as it was. It cannot be the same. It is going to cost more, as each of us eats yet another hamburger wrapped inside cellophane, placed in a plastic package inside another plastic package that we throw out and expect somebody to get rid of. As long as we are consuming things as rapidly as we are in this society and throwing things out, they have to go somewhere. They have to be disposed of, and that will be a function of money.

If we can get a recycling industry where people can make money taking your wrappers and newspapers and your goods, metal cans, and so forth, that you throw away and recycle those, then we are going to begin to get something that works. We are going to begin to get something that accelerates. We are going to begin to make money cleaning up the mess. Now we only make money moving the mess around from one place to another.

So economics is going to drive this process, and so is custom. There is not a school in New Jersey that I visited since New Jersey began mandatory recycling that the younger the student is, the easier he or she talks about recycling. When we started mandatory recycling in New Jersey—where you had to put different colored glass in different bags, or you had to separate your metal cans from your wet garbage—you would have thought, initially, that people could not possibly adjust, that this would be an act of behavior modification that could not take place. Yet, I find when I visit schools, if kids are in high school, they have been at it for a couple of years, and if they are in grade school, they have known nothing else. A kid will raise his hand from time to time and say, "Senator, what should I do to get my parents to recycle?" I say, "Talk to them." It is pretty easy, but that will require a change in custom. There was a time in America, when you were driving along in your car and drinking your Pepsi or eating a hamburger or cookies, and when you were finished, you threw the wrapper out on the road. You threw it right out on the road.

Over a period of time, in many places, people learned maybe it is not a good idea to throw it out on the road. When it comes to garbage, all we have been doing is throwing it in a bag and putting it out on the street, and we expect somebody is going to pick it up and make it disappear. If you are going to have to change customs and recycle more, you have to be more meticulous in separating this garbage and putting this in one place and that in another place. It is not a terribly serious burden on one's behavior, it is a small change, but it has to take place over a very large number of people. That is what I mean when I say that economics and custom both have to change. It is going to be more expensive, and you are going to have to be a little more meticulous in how you get rid of your solid waste.

Waste management has been protected by the U.S. commerce clause, as I tried to say, because that is just what it is—commerce. It is like trading grain, trading television sets, trading anything else. When we in the Senate consider alternatives to the status quo, we have to recognize this fact. It is just commerce.

The State of New Jersey does not haul garbage anywhere. Let us make that clear. The State of New Jersey does not pick garbage up and deposit it in anybody else's State. Literally hundreds of private citizens and companies are involved in that process. A company picks up my garbage and goes to Illinois or Pennsylvania, or to various States. An individual makes a deal with another individual, and that is what the garbage business is. As much as anyone wants to change this system, sudden change will not occur without potentially enormous costs.

New Jersey, obviously, exports municipal waste. As I said in the beginning, so do 42 other States. How would those 42 other States be affected? What about hazardous waste—if we are going to allow a Governor to abrogate contracts on solid waste contracts between two individual private parties, what about contracts on hazardous waste? 700 million pounds of hazardous waste are shipped interstate every year. What about hazardous waste? Why just for garbage? Do you want hazardous waste in your backyard? Would you not want your Governor to be able to say: No, no, no, I am not going to allow any hazardous waste to come into my State.

What about nuclear waste? Who wants that in their backyard. Do you? I do not think you do. Do you? You do not want it in your backyard. Let the record show that the pages are all shaking their heads and saying, no, we do not want nuclear waste in our backyards, which confirms the intelligence of the pages in the U.S. Senate.

Should we allow the Governor of your State to say: No, no nuclear waste in our backyard; we do not want it in our State? The Governor of every State should have the authority to say: No nuclear waste in my State. The Governor should have the authority to say: No garbage in my State either. No hazardous waste in my State, no nuclear waste in my State. And pretty soon, maybe what we should be able to do is put a tax on anything that comes into our State. Want to solve a lot of the budget problems in the various State capitals in this country? Let us forget the commerce clause, and let them tax things that come into their State that they want to tax.

This little exercise, I hope, illustrates the need for caution and the need to act with prudence and foresight when it comes to deciding whether we are going to give this kind of authority to a Governor, particularly when, in many cases, these things can be worked out among Governors. You have regional compacts, and you can have bistate compacts and varieties of things. Why do we want to intervene and, at the Federal level, essentially abrogate a fundamental aspect of the commerce clause? I do not think we want to do that. A sudden change in the rules governing the export of solid waste will create major problems.

It could create major problems in my State of New Jersey. A ban on waste exports or all sorts of new barriers to exports may make for a good press release at the door of my State. Whatever your State might be, I stand at the door. I stopped the solid waste from coming in.

Then let us draw a caricature of that person who is sending the waste to your State. Make it funny if you can. Make it horrible. Make it this terrible person who is sending all this garbage into your State, and then you stand there in a nice blue suit, red-striped tie, at your door in front of the television camera and say, I stopped the garbage, elect me. That is, until next year, of course, or the year after that, or the year after that, when you want to export the garbage because your State is filled up and now you need to export. But that will be down the road. I will not have to worry about that. I will be reelected.

And that, of course, is why we are debating these issues on the floor of the U.S. Senate. Not that the RCRA does not deserve to be reauthorized and modernized. It surely does. But this particular amendment that gives the Governor the right to abrogate a solid waste contract is really a step backward.

This amendment is not only not good policy in terms of the commerce clause, it is also not good for the environment. Let me be clear. If New Jersey waste or any waste is shipped to dumps that are substandard dumps

that are leaking, dumps that are a threat to human health and the environment, it has to be stopped.

We have an obligation to change the way we have been living if we intend to protect our planet. What has garbage got to do with the global environment? You know there is the environment that you can talk about globally. There is the environment that you have to talk about locally. And that has everything to do with what you eat, consume, and what you do with your people and how you handle garbage in your town and in your State.

Now, we have to act, when we find a dump that is leaking. We have to act by closing the facility or forcing it to upgrade. Remember in my State, earlier I said a decade ago we had 300 dumps, 300 dumps. Now half of it goes to 12 dumps. What happened to all the other dumps? People were making money, they were accepting garbage, except the dumps were polluting, the dumps were leaking into the water supply, the dumps were full of all kinds of toxics. And the environment frankly does not distinguish between east coast garbage and west coast trash.

Last summer, the Environment and Public Works Committee had a hearing on the RCRA bill. At that hearing the Governor of Indiana testified, as did the junior Senator from Indiana, about the flood of east coast waste coming into their State. Keep that waste out. I am at the door, blue suit, red-striped tie. I stopped the bad garbage from coming in. All you people who produced garbage in our State, that is not bad garbage. When it comes in from the outside it is bad garbage.

In preparation for that hearing, I asked my staff to determine how much New Jersey waste actually goes to Indiana, since that was the kind of motivating factor here. They checked with the New Jersey environmental authorities, and the answer that came back was kind of surprising. None. None. No New Jersey solid waste moves legally to Indiana. Legally. Illegally, probably some does. Illegally, probably some comes from New York to New Jersey. Illegally, some goes from Wisconsin to Minnesota. It is business. Some of it is legitimate; some of it is not.

You say, did you, Senator, you said legally? It is an unfortunate fact that solid waste at times moves illegally. We all have seen the television expose, where, for example, an illegal mover takes the solid waste, collects it in liquid form, and giant trucks scoot across the State line and spray it out on the side road.

Garbage is no different. Some of it moves illegally.

So I made a suggestion: Instead of arguing together, why did not New Jersey and Indiana coordinate environmental agencies and crack down on these illegal dumpers? Whether that was the reason, or whether the States had their own initiative and took it, they got together, to their great credit, and because of a cooperative enforcement pact agreed to by the Governor of New Jersey, Governor Florio, and the Governor of Indiana, Governor Bayh, illegal dumpers have been turned back from Indiana.

Under the agreement they will and have been prosecuted in New Jersey, and right now New Jersey and Ohio are in final negotiations for a similar bi-State pact. Those are positive changes. That is really dealing with the problem. The problem is not the private firm in New Jersey that makes the agreement with the private firm in Pennsylvania to take the garbage for 5 years while we build our recycling and waste disposal facilities to handle our own garbage. The problem is the illegal garbage that moves. And here was an agreement that works, and another agreement in the making that will work.

It is good policy. The Governors are working together. Why can we not?

Frankly, we need to look beyond politics. If our goal is good policy we need to consider what actually can happen. And that is no small point.

Historically, New Jersey became a waste exporter, not because of irresponsible behavior but because we saw dumps that were threats to the environment. So we closed those dumps, and could no longer deposit the garbage in New Jersey. We closed them. They were threatening our environment.

Other States may well find themselves in the same circumstance if they move aggressively. So today people who are on the floor saying let us stop the import of garbage into our State might find when the environmental regulations are toughened up—when the Democratic administration takes over and begins to enforce the law—that a lot more dumps are being closed in their State. And they might find themselves in the same position as New Jersey did in the late 1970's and early 1980's, when there was no place to put the garbage that their people produced inside their State, no landfill, because they had been closed, because of environmental degradation, no recycling or waste disposal facility, because nobody approved a bond issue or got the money or built the facilities, and their only recourse is going to be export the waste. But, of course, if this amendment passes, a Governor at the State line can stop that and let another State, as New Jersey will be, back up in its own garbage.

So it would be unfortunate if action taken by the Senate results in delay or actions counter to the environment and to the quality of the environment.

I say this is not a hypothetical point. If new rules were imposed suddenly, it is quite possible that New Jersey would be forced to reopen closed substandard landfills. Few options would be available. Few options would be available to us.

I cannot believe that it is the intention of the Senators from other States—let us take Pennsylvania, since that is the closest—to force New Jersey to reopen those landfills right next to the shore where Pennsylvania residents come to enjoy the ocean in the summer.

I cannot believe that is the intention of those who support this amendment. That might be the result. "Reopen those landfills. Who cares about the environment? It is not in our State." But you might spend some time in the State where the landfills are reopened, and it might create some problems. I cannot believe that is the intention of this amendment. That could be the result.

Mr. President, it will be said today that my State is a leading waste exporter. Keep in mind that we are also leaders in recycling. No other State currently recycles over 40 percent of its trash in a mandatory statewide recycling program. We have dropped our waste exports by 30 percent in the last 2 years.

Likewise, I am unaware of any other State that is in pursuit of a recycling goal of 60 percent by 1995. All the waste that is produced, 60 percent recycled by 1995. That is why the kids I was talking about in the seventh grade and eighth grade have become so familiar with putting the green bottles and brown bottles, the clear bottles, putting the trash, putting the cans all in separate places so that they could be more easily recycled. Because that is a State policy now. No other State is doing it.

In Washington, DC, well, sure, we have recycling programs and elsewhere. If you want to, you go on Saturday and meet all the other yuppies who are putting out their clear bottles, their wine bottles, their beer bottles, their solid waste, and their cans. You can do that if your peer group finds it to be appropriate behavior. But you do not have to, of course. You do not have to. You can dump them all in your garbage. It is your choice.

Not in New Jersey. In New Jersey, you are required to recycle. In New Jersey, if you do not recycle, you can be punished.

The point is we have done a lot. No other State has done as much. And we are in unchartered waters. Our costs have gone up 600 percent in a decade. What happens when other areas begin to recycle? Will there be markets for these goods?

I remember one of the things that happened in the last couple of years. I got a little grant for a firm that was recycling. I visited the firm right on the banks of the Passaic River. It was an enormous paper recycling facility. The man told me:

Well, if we can just get over the hump, we will be able to use newspapers over and over

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and over again. We will not have to cut down trees, not nearly as many trees. We will be able to reuse. But we have to get to the point, the critical point, where we can begin to make money.

These issues are completely relevant to the ability of the States to plan for the future and for an effective nationwide solid waste strategy.

Does a radical shift to restrict waste transport promote recycling? Let me ask that question again. Does a radical shift to restrict waste transport promote recycling? It seems doubtful to me that it would promote recycling.

Will such a change mean a cleaner environment? Doubtful again; probably not.

In my State, it might result in reopening landfills that were closed because they were environmentally dangerous. Interstate waste transport is a small part of the waste issue, a very small part. It is only one piece of a very complex puzzle.

If Congress pushes markets hard to accept and use recycled materials, New Jersey could meet its recycling goal pretty easy. That is what the Congress should be doing, trying to create a national market for recycled goods. Create a national market for recycled goods and you get results. Trying to set up barriers to State limits will only produce paralysis and regression, in my opinion.

By meeting those goals, the volume of exported waste all but disappears. In other words, we recycle, we do not export. It is as simple as that. Sixty percent recycling takes care of most everything we would export and do export. It is true nationwide. And if it is true in New Jersey, it is definitely true in Minnesota and definitely true in other States.

To separate waste transportation from waste management and waste reuse, that is recycling, is not only illogical, but it is inappropriate. This Senate has to keep these issues in context. And a comprehensive approach is the only approach that is going to work.

It makes a nice press release, makes a nice TV ad, but it will not solve the problem to allow the Governor of a State, as this amendment proposes, to abrogate contracts between two private parties.

This spring, the Senate Environment and Public Works Committee acted appropriately by considering waste transport in the context of overall waste policy. They proceeded steadily and correctly with a comprehensive RCRA bill. But today we take a giant step backward with this amendment.

Mr. President, we need the tools and ability to reward as well as to punish. If we start to move a bill that is one-sided, I think that probably there will be every opportunity taken to balance it.

One place to begin is with the thoughtful review of the committee's own reported bill, S. 976. If the Senate feels it is necessary to adopt the amendments that are punitive to our State, it would be completely appropriate to present the Senate with a broader version that I believe is central to the debate of this issue.

So, Mr. President, the hour is late. I have been speaking for nearly an hour. I am prepared to go on for another 5 or 6 hours, if need be. I know that those who are listening in the Chamber will be riveted with the thought that I could go on another 6 hours on the issue of garbage.

So let me suggest an absence of a quorum at this point so that I might take part in the negotiations that are taking place between those who would inflict upon our State the inherently unfair limitations of this kind with those, such as Senator LAUTENBERG, who are trying to negotiate some common sense way out of this problem.

New Jersey, once again, is not asking to be let off the hook. We have to deal with our own solid waste. But allow us to transition in a rational way that is not totally disruptive of our economy and totally disruptive of what our State says it needs to be able to transition efficiently and effectively.

I suggest the absence of a quorum and will prepare further comments in the interim.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have just met with the managers of the bill, Senator BAUCUS and Senator CHAFEE, and they have advised me that intensive negotiations have been taking place for several hours between themselves and involving several other Senators and staff members in an effort to reach agreement on the pending amendments. I am advised that while some progress has been made no agreement has been reached and, further, that there does not appear to be any prospect that agreement will be reached this evening. That is, no useful purpose would be served by remaining in session awaiting agreement and action on that agreement because no such agreement appears possible this evening.

Accordingly, acting upon the information received from the managers, I believe there is no purpose served in the Senate remaining in session and there will be no rollcall votes this evening. The Senate will shortly recess until tomorrow morning at 9:30 and will return to consideration of the pending bill at 10:15 tomorrow morning.

Under a previous order, as printed on page 2 of the Senate Calendar of Business, a cloture vote on a motion to proceed to the energy bill will occur tomorrow, Wednesday, at a time to be determined by me following consultation with the Republican leader. I will consult with the Republican leader tomorrow and it is my intention to proceed to that cloture vote later in the day tomorrow. I want to give the managers of this bill, during the entire day tomorrow, the opportunity to try to move this bill.

As I have stated on several occasions publicly, most recently this morning, the Senate has a very large number of important bills to consider and relatively little time to do so. I had originally agreed to permit consideration of the pending bill for the 3-day period of yesterday, today and tomorrow, in the hope that the bill could be completed in that time. If that proves not possible, then we will proceed to the cloture vote on the energy bill and I cannot now assure any Senator if or when we will be able to get back to the subject matter of this bill. I will do my best to do so. But we will have, at the close of business tomorrow, devoted 3 days to the subject; the first day for debate only; the second two for consideration of the bill and amendments. Of course we are now at the end of that second day and no votes have yet occurred. Other than the negotiations under way which I hope will produce the agreement—but other than that, no progress has been made on the bill. Given the other important matters that the Senate must consider, several of which I identified in my remarks this morning and in other public statements, there is simply no way at this time to provide assurance that we are going to be able to get back to this subject at any time. So if there is a time to complete action on this bill, the time will be tomorrow, before we turn to the cloture vote on the motion to proceed to the energy bill.

Mr. President, as I indicated, we will return to session tomorrow morning at 9:30 and return to the bill at 10:15.

I encourage my colleagues, those involved in this matter to attempt, if possible, to reach an agreement to permit a disposition of this bill during the day tomorrow.

Mr. COATS. Mr. President, will the majority leader yield for just a comment?

Mr. MITCHELL. Yes, certainly.

Mr. COATS. Mr. President, I would like to inform the majority leader that negotiations have been going forth in good faith. They have been intense. Unfortunately, we have not been able to resolve the issue at hand which the Senator from Indiana believes is absolutely critical to this issue. We thought we were close, and maybe we are close and we may find out overnight that we are able to resolve this

issue. I hope that if that is the case, we can within the time the majority leader has indicated will be available tomorrow, bring this to a successful conclusion. I think that is the clear will of the majority of the Senators in the Senate. I am hoping that we can do that.

I appreciate the majority leader's consideration for this measure in the granting of virtually three full days to debate. I regret it has taken so long and so slow. Hopefully, overnight we can resolve the matter and move forward tomorrow.

Mr. MITCHELL. I thank my colleague and I express, again, my hope that it will be possible to complete action on this bill tomorrow.

Mr. LAUTENBERG. Mr. President, if the majority leader will yield just for a moment to permit me first to thank him for his patience and encouragement to work this out.

We have, I think, gained on it significantly. I believe that we are rounding third base, but we have tripped a few times and are trying to pick up the momentum. We will do whatever we can this evening, I hope, to complete action. I think the majority leader understands, while the Senator from Indiana has a very specific interest in halting the disposal in his State, I cannot and will not, as he knows and I am sure the majority leader knows, put my State in a position where programs that are underway are short cut by cutting them off.

So these are very difficult discussions, but we will plow through. I want to thank Senator BAUCUS for his leadership and patience on the issue as well, and we will try to pick up in the morning.

Mr. MITCHELL. Mr. President, I thank my colleagues. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FOR DEMOCRACY

Mr. HEFLIN. Mr. President, 2½ years ago, I came to the Senate floor to share with my colleagues news of a new nonprofit organization which had just been formed in Mobile, AL. Just 3 months after the velvet revolution in Czechoslovakia, that newly established volunteer organization, Education for Democracy/USA, began sending its first volunteers to teach conversational English in that country.

Since that time, Education for Democracy has sent approximately 1,000 volunteers to more than 100 cities and towns throughout Czechoslovakia. During this time, the organization has operated on a total of $58,213. In other words, for about $60 per volunteer, Education for Democracy has been supplying vast numbers of American volunteers to the people of Eastern Europe. I doubt that any other program has done so much so quickly with so little. I repeat: I doubt that any other program has done so much so quickly with so little.

This organization was formed to respond to a direct appeal for assistance from Czechoslovakia. That request came from Pavol Demes, then Director of Foreign Relations for the Ministry of Education in Slovakia. Having recently spent a year living in Mobile, AL, and working at the University of South Alabama, he called Ann Gardner with whose family he had lived during that time. He let her know that his country badly needed teachers of conversational English and needed them as soon as possible. Thus, Education for Democracy/USA was founded, based on a similar program in Canada. There was no waiting for funding, no decision to send the people of Czechoslovakia something a little different than what they had requested, and no time wasted in getting this program running. As one of the ministries in Czechoslovakia later put it in a letter of appreciation to Education for Democracy:

> In the days following the restoration of democracy to Czechoslovakia in November 1989, many individuals came * * * and promised to assist our students. But while they promised, you quietly and effectively organized a creative program to directly assist language instruction.

By any standard of measurement, this program's success has been astonishing. To start with, the program draws on the varied talents of a wide spectrum of people. EFD volunteers come from all 50 States, possess a broad array of professional and academic credentials, and range in age from 21 to 70-something. Individually and collectively, these volunteers have helped to put a human face on democracy in an area of the world where the people had been taught for decades that such a face was ugly, evil, and unkind. As one university professor where EFD volunteers had been working said:

> You have done an excellent job as far as teaching English is concerned. You have learned something about Czechoslovakia and we have got to know you. I would like to tell you that you have been the best counterbalance for the unfriendly picture of Uncle Sam who, for our mass media, had been the representative of the United States for the last forty years.

One of the hallmarks of this program is that aside from the approximately 20 hours per week that volunteers spend teaching English, they tend to become very involved outside of the classroom as well. One woman teaching English in a hospital has put her public health background to added use in her spare time by working with a local women's group to help increase awareness of women's health problems. A retired couple working and living at a university hold an open house in their room 3 nights a week where students can come by and practice their English by talking about whatever topics interest them. On such evenings, this couple always has a large crowd. Yet another volunteer hosts a regular, one-half hour television show in English.

As these examples indicate, EFD volunteers are using their energy, creativity, and enthusiasm to make a real difference while abroad. Moreover, even after they return, they continue to make a difference in the lives of the people they met in Czechoslovakia. Dozens of former EFD volunteers have helped their friends in Czechoslovakia come to visit them in the United States. They have opened their homes to their friends, in many cases helped them financially to make the trip, and in a number of cases, arranged for them to work in law offices, on farms, and in universities to complement their study and work at home. The relationships which are formed between EFD volunteers and their students are some of the greatest proof that exchange programs work.

Part of the reason why this program has attracted such dedicated, effective volunteers is, I believe, because it truly is a volunteer program. In order to teach in Czechoslovakia, the volunteers have all made some sacrifices. They have taken leaves of absence from or quit their jobs, left their loved ones and the comforts of home for a period of time, and paid their own travel expenses, insurance, and teaching materials. Once in their assignments, volunteers receive housing in dormitories or private homes and some meals from their host institutions. They also receive a monthly living stipend the approximate equivalent of $80 U.S. per month. Clearly, this is not a program for the fainthearted. It requires committed, unselfish, and adventurous people who are willing to immerse themselves in a completely different way of life.

Volunteers agree to teach wherever EFD believes their talents can be used most effectively. Among the places volunteers teach are elementary and high schools, universities and trade schools, hospitals, businesses, and government agencies. These assignments are not concentrated only in the more well-known cities of Prague and Bratislava. They are spread throughout the country to schools and businesses in smaller cities like Banska Bystrica and Karlovy Vary and in rural outposts

such as Humene and Trebisov, both of which lie less than 50 miles west of the border which Czechoslovakia shares with the former Soviet Union. In many of the smaller cities and towns, EFD volunteers have been the first Americans many of the local citizens have ever encountered and the only ones who have come to assist them even 2 years after their revolution. Yet even there, pro-American sentiment runs high as it does throughout the country. I have heard stories of EFD volunteers being asked for their autographs and of their headmasters knitting them sweaters. Volunteers say they quickly learn not to compliment their Czech and Slovak friends on a vase or hat because if they do, the items will be given to them.

Truly, many of the people in Czechoslovakia cannot fathom the fact that people have left their homes and come all the way to Czechoslovakia to volunteer their time. The concept of volunteerism is foreign to them and they are greatly moved by the idea that individual Americans care enough about them to try to help ease their personal and societal transitions to democracy.

Not surprisingly, due to the tremendous success of Education for Democracy/USA in Czechoslovakia, the Ministry of Education in Poland and the ministries in the Baltic countries—Latvia, Lithuania, and Estonia—requested volunteer instructors in January of this year. Due to lack of financial and staff resources, EFD felt some limitation for expansion. Since the Baltics had received virtually no assistance at that time and Poland was far ahead, EFD decided to use their limited resources where they were more needed. Subsequently, 14 volunteers were sent to the former Soviet Republics and a commitment has been made to send 30 volunteers there in 1992–93. Also, at the request of the mayor of St. Petersburg, Russia, EFD will send five volunteers there in September as well. The proposal from the mayors is for St. Petersburg to be the center of placing EFD volunteers in other Russian cities in 1993. The programs in the Baltics and Russia will mirror the ones in Czechoslovakia with some differences in qualifications of the volunteers—once again listening to the direct needs of these countries.

Meanwhile, the political situation in Czechoslovakia appears to be changing, with the Czech and Slovak Republics talking about separating. Thankfully, all reports indicate that any such action would be peaceful and as long as that is the case, Education for Democracy plans to continue operating in both Republics whether or not they formally separate.

After recounting the depth and significance of this program, it will probably shock my colleagues to learn that Education for Democracy has no stable source of funding, has received no substantial foundation or corporate support and no Government grants. The organization's operating costs have been held down by forgoing needed office supplies and services and through the receipt of sporadic private contributions and in-kind donations and by an application fee charged to prospective volunteers. Despite the fact that the program required almost round-the-clock work for the first couple of years and still proves quite demanding, the program's founder, Ann Gardner, has worked since the organization's beginning without any salary and has had to find volunteer office staff for the mobile office and the offices in Czechoslovakia. While the fact that Education for Democracy exists on a shoe-string budget may sound quaint, it has in reality, been difficult, stressful, and, at times very discouraging.

In fact, Mr. President, I find it ironic that so many new exchange and language instruction programs have been proposed lately for Eastern Europe and the former Soviet Union while, at the same time, proven efforts like Education for Democracy go unnoticed in many respects. Whereas many of the proposed programs would require millions of dollars to establish and administer, Education for Democracy is up and running on virtually nothing. While some of the proposed programs would send only a few volunteers abroad for every $100,000 they spend, Education for Democracy sends 1 volunteer for every $60 it spends. In fact, it causes me concern when such a program can go unnoticed. This program is dedicated to serving the needs of the people in Czechoslovakia in a manner described by the people of Czechoslovakia. It continues to thrive despite the naysayers and the bureaucrats who would drag down its operation, including those in Government agencies such as the State Department. In fact, on a recent visit to our embassy in Czechoslovakia, I was surprised to see that the staff there did nothing to encourage this program. And yet it survives, amazingly and disappointingly, without any significant financial support.

I hope that my colleagues will think about the cost effectiveness of this program as we strive to assist the emerging democracies in Eastern Europe and the former Soviet Union. I also hope that they will join me in my support of this organization which seeks funding to help purchase computers, fax machines, and copying equipment, as well as to cover administrative and operational costs in the United States. Financial needs in the host countries include those to support the orientation of instructors, to help purchase some teaching materials, and to assist with administrative costs associated with offices in the host countries.

Mr. President, I commend Education for Democracy and the many volunteers who have participated in its program. They are performing an immeasurable service which will bring our world closer together.

ANDRE AGASSI: LAS VEGAS' COLORFUL, COURAGEOUS CHAMPION

Mr. REID. Mr. President, I would like to take a few minutes to acknowledge an international champion and Nevada hero. Andre Agassi recently won the prestigious Wimbledon tennis tournament, but he long ago won the hearts of Nevadans. I am honored to pay tribute to a young man who brings such pride and confidence to my home State. Andre Agassi reflects the independent, pioneering spirit of Las Vegas. He has not abandoned his roots, instead he has grown strong and tall upon them. He is a hometown boy who spun his homegrown talents into personal achievement and worldwide success. One does not become a world champion without a willingness to listen, learn, and work. Andre Agassi is an intelligent, hardworking fighter determined to persevere until victorious. Ironically, his greatest assets drew his greatest doubters—the same observers who criticize Las Vegas—who said he was too aloof or too bold. But they do not know Nevada. They do not know Las Vegas. And they do not know Andre Agassi.

In sports, politics, and every arena of life, we could use more individuals who break molds instead of fitting them. It takes character and courage to dismiss conformity and overcome past defeat. Andre Agassi is his own person who silenced second-guessing naysayers with style and grace. The world witnessed his sincerity after he won the most prestigious tennis tournament in the world. We in Las Vegas saw it a long time ago. It is with true Nevada pride that I salute the talented, courageous, and colorful Andre Agassi. Thank you, Mr. President.

TRIBUTE TO CITIZENS OF JACKSONVILLE, NC

Mr. SANFORD. Mr. President, I rise today to pay tribute to the citizens of Jacksonville, NC. In a competition of over 140 communities nationwide, Jacksonville was 1 of only 10 communities selected as a 1992 All-America City by the National Civic League. The award program is designed to recognize community efforts that emphasize collaborative problem-solving and innovative policy approaches. It works to reward those communities that encourage partnerships among its members, rather than a reliance on State and Federal grants, to solve its local problems.

Jacksonville sent more husbands, wives, mothers, fathers, sons, and daughters to the Persian Gulf than any

other city in the United States. More than half its citizens left to serve in Desert Storm. Whereas normally 43,000 marines and sailors were stationed at Camp Lejeune, at the peak of the gulf crisis, only 7,000 soldiers remained. Undeniably, the impact of this large deployment to the Middle East was also felt in the civilian community surrounding the military installation.

The exodus of Jacksonville's military base marked the destruction of its economic viability. The unemployment rate soared; small businesses failed; social service organizations operated beyond their capacities, and; the citizens of Jacksonville, to their credit, struggling to address their own difficulties.

A city paralyzed by the economic fallout of war, Jacksonville responded to the crisis by creating a Caring Community to provide support, counsel, and guidance to those families who had members in the gulf. Citizens of Jacksonville acted swiftly to mobilize civic leaders, church leaders, business men and women, military leaders, and members of the media to formulate a strategic plan to address the needs of their war-torn city. Their aim was to coordinate their city's resources to best serve its residents; the result was an unprecedented act of citizenship and servanthood that helped ease the pain of military families.

The Caring Community Committee organized volunteers, centralized resources, and created an information network to keep citizens informed and connected to the committee's ongoing work. It mobilized a troop of civilian soldiers who embraced and embodied the true meaning of "community." Neighbors opened their homes to those families visiting their loved ones prior to the deployment; child care services were provided; family days were planned and holiday celebrations coordinated; businesses extended special discounts to the families of deployed service members; and local merchants, in conjunction with Jacksonville high school students, made care packages and baby bundles for the men and women in the gulf. The list of selfless community service goes on and on.

This small town of 77,685 North Carolinians extended a helping hand to its military neighbors. Its citizens established a high standard of leadership and cooperation and, in the process, instilled a real sense of civic pride among its residents. I pause today, to congratulate Jacksonville on their recent success as a 1992 All-America City, but I also highlight their achievement in hopes of providing an inspirational model for other cities across the Nation who also struggle to create a sense of cooperation and shared responsibility within their own communities. The continuing efforts in Jacksonville are a national example of how neighbors can come together and effectively address this country's most pressing social problems. It does indeed take an entire community to build a nation.

Again, I extend my heartfelt congratulations to the people of Jacksonville, NC, for a job well done. Keep up the extraordinary work.

REFERRAL OF S. 2991, THE INTELLIGENCE AUTHORIZATION BILL

Mr. NUNN. Mr. President, in accordance with the provisions of section 3(b) of Senate Resolution 400, I now ask that S. 2991, the Intelligence authorization bill, reported earlier today by the Intelligence Committee, be referred to the Committee on Armed Services for not to exceed the 30-day period as referenced in section 3(b) of Senate Resolution 400.

BILL READ FOR FIRST TIME—H.R. 1435

Mr. LAUTENBERG. Mr. President I understand the Senate has received from the House H.R. 1435, the Rocky Mountain arsenal bill. On behalf of Senators WIRTH and BROWN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1435) to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

Mr. LAUTENBERG. Mr. President, I now ask for its second reading.

Mr. COATS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read on the next legislative day.

AMERICAN TECHNOLOGY PREEMINENCE ACT TECHNICAL AMENDMENTS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5343, regarding metric labeling and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5343) was deemed read three times and passed.

Mr. HOLLINGS. Mr. President, the Senate has now considered a bill which clarifies existing law regarding how weights and volumes should be listed on the labels of packaged consumer commodities, particularly grocery products.

Current law requires that starting in 1994 packaged consumer commodities which fall under the Fair Packaging and Labeling Act must have labels which list weights and volumes in metric measurements. Traditional English measurements also may appear on the labels. The rationale behind the existing law is that American products will be more acceptable overseas if their labels list information in metric, as well as English, units.

The current law does not require that American producers be forced to adopt metric-sized containers. For example, it does not require that milk be sold in liter-sized cartons instead of quart-sized containers. However, food industry executives expressed concern that the existing law may be ambiguous on this point and possibly subject to misinterpretation. If the law were misinterpreted, and the food industry were required to use metric packaging as well as metric labeling, the costs of compliance would be unreasonably high.

On June 29, 1992, the House passed H.R. 5343, crafted by Congressman GEORGE BROWN, the distinguished chairman of the House Science Committee and author of the existing law, to clarify congressional intent in this area. The bill makes clear that nothing in the law "shall be construed to require changes in package size or to affect in any way the size of packages." It also clarifies that the law shall have no effect on the sale or distribution of products whose labels have been printed before the 1994 effective date, and that the metric labeling requirements shall not apply to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information.

The bill is supported by the Food Marketing Institute and the International Dairy Foods Association, and the administration has no objection to its passage. I know of no controversy surrounding this bill and believe that it makes important clarifications to existing law. I urge my colleagues to join me in supporting this bill.

At this point, I ask unanimous consent that a letter from House Science Committee Chairman BROWN to me regarding the intent and provisions of the bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, July 2, 1992.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate moves towards consideration of H.R. 5343, I would like to take this opportunity to explain the intent and provisions of this small bill.

H.R. 5343 contains technical corrections to a provision regarding metric labeling that was included in the American Technology Preeminence Act (P.L. 102-245). Section 107 of that Act provides that starting two years

from the date of enactment labels on packaged consumer commodities sold in grocery stores shall list weights, lengths, and volumes in metric measurements, although it also allows labels to continue to include measurements in traditional English (avoirdupois) units. The United States is the only major industralized nation which does not use metric measurements, and U.S. business is at risk of losing substantial sales opportunities as potential overseas customers become less willing to accept non-metric products.

Section 107 affects labels but not the sizing of packaging. For example, the section does not require that milk be sold in liter-sized cartons; it only requires that labels on quart or other sized milk cartons list the contents in metric measurements. However, various groups in the food industry expressed concerns that the section might be interpreted to require metric packaging and thus expensive changes in the size of packaged goods.

I introduced H.R. 5343 to clarify the provisions of section 107 and avoid any misunderstanding. Again, the intention of the original section 107 is to require metric labeling but not metric-sized packaging, and this new bill makes this point explicitly. It also states that section 107 shall have no effect on the sale or distribution of products whose labels have been printed before the effective date, and states that nothing in this provision shall apply to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information.

I would like to make one other comment regarding H.R. 5343. In amending section 107, the new bill uses familiar terms such as "pounds", "inches", and "square inches". I want to make clear that in using these standard terms, we intend that related terms also may be used when expressing measurements in English terminology. For example, when the bill says "pounds" it means that weights may be expressed in the standard English measurements of pounds or ounces, and specifically that weight shall be expressed in the largest whole unit, either pounds or ounces. Similarly, we intend that both section 107 and the underlying law it amends allow that lengths be expressed in terms of the largest whole unit, either inches, yards and feet, or feet, as appropriate, and allow the measurements of area be expressed in terms of square inches, square yards, square yards and feet, or square feet, as appropriate.

I believe that H.R. 5343 addresses the concerns of the food industry and removes any ambiguity regarding the intent and requirements under section 107. We wrote the legislation in close consultation with the industry, and as far as I know the bill is genuinely noncontroversial. I appreciate your assistance in bringing this bill before the Senate, and look forward to continuing to work closely with you on this issue and other matters.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

MITCHELL H. COHEN U.S. COURTHOUSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 2625 designating the Mitchell H. Cohen U.S. Courthouse in Camden, NJ, and that the Senate proceeded to its immediate consideration, the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

Mr. CHAFEE. Mr. President I wonder if we could just put that over for 1 minute and come back to it in a few minutes.

Mr. LAUTENBERG. We will proceed, if we may, Mr. President, then to the next matter.

The PRESIDING OFFICER. The Chair will construe that the unanimous-consent request has been at least momentarily withdrawn subject to the right of the Senator from New Jersey to renew it.

NATIONAL TRAILS SYSTEM AMENDMENTS ACT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 543, H.R. 479, a bill to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements appear in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 479) was deemed to have been read three times and passed.

AUTHORIZING THE ARCHITECT OF THE CAPITOL TO ACQUIRE CERTAIN PROPERTY—MESSAGE FROM THE HOUSE

Mr. LAUTENBERG. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2938.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2938) entitled "An Act to authorize the Architect of the Capitol to acquire certain property", do pass with the following amendment:

Page 4, strike line 15 and all that follows through page 5, line 6.

Mr. LAUTENBERG. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. CAPITOL POLICE JURISDICTION REFORM ACT

Mr. LAUTENBERG. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1766.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1766) entitled "An Act relating to the jurisdiction of the United States Capitol Police", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

TITLE I—LAW ENFORCEMENT AUTHORITY AND SUNDRY ADMINISTRATIVE PROVISIONS

SEC. 101. LAW ENFORCEMENT AUTHORITY OF THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended by inserting after section 9A the following new section:

"SEC. 9B. (a) Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

"(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

"(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

"(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised; and

"(4) within the area described in subsection (b).

"(b) The area referred to in subsection (a)(4) is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

"(c) This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b).

"(d) As used in this section, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code.".

SEC. 102. CHANGE IN THE COMPOSITION OF THE CAPITOL POLICE BOARD.

Section 9 of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended—

(1) By striking out "SEC. 9." and inserting in lieu thereof "SEC. 9. (a)"

(2) in the first sentence, by striking out ", consisting" and all that follows through "Architect of the Capitol,"; and

(3) by adding at the end the following new subsection:

"(b)(1) The Capitol Police Board shall consist of—

"(A) the chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives;

"(B) the chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate; and

"(C) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, both ex officio and without the right to vote.

"(2) The chairman of the Committee on House Administration of the House of Representatives and the chairman of the Committee on Rules and Administration of the Senate shall alternate, by session of Congress, as chairman of the Capitol Police Board.".

SEC. 103. UNIFIED PAYROLL ADMINISTRATION FOR THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a), as amended by section 101, is further amended by inserting after section 9B the following new section:

"SEC. 9C. Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.".

SEC. 104. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 105. EFFECTIVE DATE.

The unified payroll administration under the amendment made by section 103 shall apply with respect to pay periods beginning after September 30, 1992.

TITLE II—LUMP-SUM PAYMENT PROVISIONS

SEC. 201. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 203. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

AMENDMENT NO. 2735

Mr. LAUTENBERG. Mr. President, I move that the Senate concur in the House amendment with a further amendment, which I now send to the desk on behalf of Senator FORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. FORD, proposes an amendment numbered 2735.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Jurisdiction Act".

SEC. 2. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 3. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have authority to make arrests in that part of the District of Columbia outside the United States Capitol Grounds for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Senate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law.".

(b) The authority granted to the Capitol Police by the amendment made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

SEC. 4. UNIFIED PAYROLL STUDY.

The Capitol Police Board shall provide for a study to determine the feasibility and desirability of administering payrolls for members of the Capitol Police and civilian support personnel of the Capitol Police on a uni-

fied basis by a single disbursing authority. The Capitol Police Board shall report the results of such study, together with its recommendations, to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives before January 1, 1994.

TITLE I—LUMP-SUM PAYMENT PROVISIONS

SEC. 101. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 102. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 103. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

TITLE II—CITATION RELEASE

SEC. 201. BAIL AND COLLATERAL.

(a) ACTING CLERK.—(1) The judges of the Superior Court of the District of Columbia shall have the authority to appoint an official of the United States Capitol Police to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock post meridian and 9 o'clock ante meridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(2) An officer or member of the United States Capitol Police who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court.

(3) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(4) No citation may be issued under paragraph (2) or (3) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(b) PENALTY.—Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 1 year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the motion was agreed to.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MITCHELL H. COHEN U.S. COURTHOUSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 2625 designating the Mitchell H. Cohen U.S. Courthouse in Camden, NJ, and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The bill (S. 2625) was deemed to have been read three times and passed, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse under construction at 400 Cooper Street in Camden, New Jersey, shall be known and designated as the "Mitchell H. Cohen United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mitchell H. Cohen United States Courthouse".

CRISIS BETWEEN THE UNITED STATES AND IRAQ—MESSAGE FROM THE PRESIDENT—PM 261

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1992, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary

threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

CONSERVATION AND THE USE OF PETROLEUM AND NATURAL GAS IN FEDERAL FACILITIES—MESSAGE FROM THE PRESIDENT—PM 262

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

As required by section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, as amended (42 U.S.C. 8373(c)), I hereby transmit the 13th annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG—MESSAGE FROM THE PRESIDENT—PM 263

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The agreement was signed at Luxembourg on February 12, 1992.

The United States-Luxembourg agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services, explaining the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. In addition, as required by section 233(e)(1) of the Social Security Act, a report on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement is also enclosed. I note that the Department of State and the Department of Health and Human Services have recommended the agreement and related documents to me.

I commend the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 11. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes;

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 3836. An act to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew;

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5504. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5517. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5560. An act to extend for one year the National Commission on Time and Learning, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2938. An act to authorize the Architect of the Capitol to acquire certain property.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 129. A concurrent resolution expressing continued support for the Taif Agreement, which brought a negotiated end to the civil war in Lebanon, and for other purposes.

The message also announced that the House has passed the bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, with an amendment; it insists upon its amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSE, Ms. OAKAR, Mr. PANETTA, Mr. THOMAS of California, and Mr. ROBERTS as managers of the conference on the part of the House.

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1150) entitled "An Act to reauthorize the Higher Education Act of 1965, and for other purposes."

At 8:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5100. An act to strengthen the international trade position of the United States; and

H.R. 5518. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 11. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; to the Committee on Finance;

H.R. 5100. An act to strengthen the international trade position of the United States; to the Committee on Finance;

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations;

H.R. 5504. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations;

H.R. 5517. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations; and

H.R. 5518. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending

September 30, 1993, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the Calendar:

H.R. 3836. An act to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3592. A communication from the Deputy Postmaster General, transmitting, pursuant to law, a report on expedited appeal procedures for refused mail; to the Committee on Governmental Affairs.

EC-3593. A communication from the Chief Operating Officer and President of the Resolution Funding Corporation, transmitting, pursuant to law, a report on audited financial statements; to the Committee on Governmental Affairs.

EC-3594. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Refugee Resettlement Program; to the Committee on the Judiciary.

EC-3595. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report on the Judicial Conference of the United States; to the Committee on the Judiciary.

EC-3596. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, the annual report on the Audit for Fiscal Year 1991; the Committee on the Judiciary.

EC-3597. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on employment and training programs; to the Committee on Labor and Human Resources.

EC-3598. A communication from the Chairman of Railroad Retirement Board, transmitting, pursuant to law, a report on the status of the railroad retirement system; to the Committee on Labor and Human Resources.

EC-3599. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on Sudden Infant Death Syndrome; to the Committee on Labor and Human Resources.

EC-3600. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Priority for Fiscal Year 1992 — Independent Living Services for Older Blind Individuals"; to the Committee on Labor and Human Resources.

EC-3601. A communication from the Secretary of Labor, transmitting, pursuant to law, a report with respect to mine safety; to the Committee on Labor and Human Resources.

EC-3602. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Administration on Aging; to the Committee on Labor and Human Resources.

EC-3603. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Final Regulations—Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Project Abroad Program;" to the Committee on Labor and Human Resources.

EC-3604. A communication from the Secretary of Education, transmitting, pursuant to law, a report "Final Regulations—Education Department General Administrative Regulations;" to the Committee on Labor and Human Resources.

EC-3605. A communication from Department of Education, transmitting, pursuant to law, a report with respect to the final regulations of the Pell Grant program; to the Committee on Labor and Human Resources.

EC-3606. A communication fron the Secretary of Education, transmitting, a draft of proposed legislation to make additional fiscal year 1992 allocations to certain counties under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

EC-3607. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the final regulations of the Individuals with Disabilities Education Act Amendments of 1991; to the Committee on Labor and Human Resources.

EC-3608. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans; to the Committee on Veterans' Affairs.

EC-3609. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 2991. An original bill to authorize appropriations for fiscal year 1993 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to amend the National Security Act of 1947 to provide a framework for the improved management and execution of United States intelligence activities, and for other purposes (Rept. No. 102-324).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2608. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes (Rept. No. 102-326).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2656. A bill to amend the Petroleum Marketing Practices Act (Rept. No. 102-325).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY:

S. 2990. A bill to amend the Public Health Service Act to establish a program to provide grants for the establishment of model Tuberculosis Prevention and Control Centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 2991. An original bill to authorize appropriations for fiscal year 1993 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to amend the National Security Act of 1947 to provide a framework for the improved management and execution of United States intelligence activities, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services, for the thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress.

By Mr. PRYOR:

S. 2992. A bill to provide for the temporary suspension of duty on certain chemicals, and for other purposes; to the Committee on Finance.

S. 2993. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2994. A bill to extend the temporary suspension of duty on metallurgical fluorspar; to the Committee on Finance.

By Mr. BREAUX:

S. 2995. A bill to amend the Marine Mammal Protection Act of 1972 to implement international agreements providing for the enhanced protection of dolphins, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 325. A resolution expressing the sense of the Senate that the Government of the Yemen Arab Republic should lift its restrictions on Yemeni-Jews and allow them unlimited and complete emigration and travel; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 2990. A bill to amend the Public Health Service Act to establish a program to provide grants for the establishment of model Tuberculosis Prevention and Control Centers, and for other purposes; to the Committee on Labor and Human Resources.

TUBERCULOSIS PREVENTION AND CONTROL CENTERS ACT OF 1992

• Mr. BRADLEY. Mr. President, I rise to introduce the Tuberculosis Prevention and Control Centers Act of 1992. This bill would establish five model TB Prevention and Control Centers for five

geographical areas. The goal of the legislation would be to bring together the necessary private and public elements to effectively control the spread of TB when outbreaks occur, and reduce the number of cases in high priority areas through comprehensive prevention, screening, diagnoses, treatment, and training programs.

Why has tuberculosis returned when we once thought we had it all but beaten? TB was once a deadly epidemic at the turn of the century, and even by the 1940's, it remained a killer disease—it was fatal in 50 percent of the cases, and there were more than 120,000 cases in the United States. By the late fifties, new drugs and a focused public health effort helped us turn the tide against TB, and by the early eighties, the number of cases in the United States had dropped to only 20,000. However, in the last 3 years, TB has resurged, and the number of cases is now rapidly approaching 30,000. It is highly contagious and again represents a major public health threat for the 1990's.

Newark has ranks second in the country in the rate of TB cases per 100,000 population. The number of cases in Essex County in New Jersey has almost doubled since 1986. The numbers are staggering: 1 in 10 Americans are carriers of the TB bacteria—25 million persons. About on-third of the world's population is infected with TB. Worldwide, there are about 8 million new cases of TB each year, with more than 3 million deaths each year. TB is the largest cause of death in the world from a single infectious agent—which is even more startling, because it is preventable and easily cured.

The resurgence of TB provides us with a glaring illustration of the failure over the last 12 years to address the deteriorating social conditions in our inner cities. A decade of neglect that has resulted in greater homelessness, drug use, poverty, cultural isolation of immigrants, and AIDS have all contributed to the recent increase in the number of TB cases. These individuals live in circumstances that increase their risk for TB, often make it harder to get them into treatment, and increases the likelihood that they will not complete the necessary drug therapy.

Since the late sixties, public funding to fight TB has been reduced dramatically. For example, in New York City, funding was cut from highs of $40 million in 1968 to about half of that 10 years later. Those trends have continued nationwide as the number of TB cases has dropped each year, until the mideighties. The perception was that we had TB defeated, so the public dollars were cut. Those budget cuts, combined with the inattention to the social conditions in our inner cities, have led to TB's resurgence.

Another key factor in TB's reemergence is the development of multidrug resistant strains of TB. It's like the cockroach who thrives despite increasing doses of pesticides—they have been exposed to so many insecticides, they build up an intolerance. The same has happened for TB.

The multidrug resistant strains of TB are especially frightening because of the triple threat: First, these patients continue to infect others while they think they are being treated—but the drugs they take don't do anything. Second, the patient gets worse. Third, the costs increase dramatically as the additional drugs are expensive, and more intensive treatment may be required. As many as 40 percent of all TB cases in New York City have been found to be multidrug resistant.

Persons facing the greatest risks for TB include those with AIDS, immigrants from countries with poor public health programs, and homeless persons. But also they include health care workers, doctors and nurses, prison workers, and others who come into close contact with an infected individual.

Importantly, as the number of children with AIDS tragically increases, TB will pose a growing threat to the children in our schools. We have learned to fight uninformed fears about being around persons with AIDS. We know that AIDS is not easily transmitted; in stark contrast, TB, which may accompany AIDS, is highly contagious and may present a serious threat.

What we need is a coordinated effort among local, State, Federal, public and private resources to bring together all of the necessary elements to prevent an epidemic of TB from returning. We know how to do it, but the pieces have fallen apart over the last 30 years. What we have today are often fragmented efforts that only address part of the problem.

This legislation will provide for such a coordinated comprehensive attack on TB. It will establish five model TB prevention and control centers consisting of all of the elements needed in the nineties, not the fifties, to effectively control TB. Early screening and detection of high risk populations is essential. Technology must be available to quickly diagnose the multidrug resistant strains. Adequate supplies of drugs for treatment must be available. Outreach workers are needed to make sure treatment is completed. Existing efforts often only have part of these essential components. Having all of them will ensure our effectiveness in preventing a TB epidemic.

TUBERCULOSIS BILL SUMMARY

The Bill: Establishes a three year grant program administered by the Centers for Disease Control ($5 million per site per year) for five Model TB Prevention and Control Centers. Elements of each program would include the following:

1. Submission of a local detailed TB Control plan, signed by the official health agency for the area and all principal partners, including hospitals, research facilities, advocacy groups, pharmaceutical companies, epidemiologists, and health clinics that they will work together to accomplish the plan's goals.

2. Establishment of a Local TB Control Advisory Committee with representatives from patients and provider groups, as noted above.

3. The Local TB Control Plan should:

a. Target high priority populations for TB screening.

b. Provide intensive screening, detection, and treatment.

c. Provide for access to the latest clinical and lab technology.

d. Specify plans, including the use of patient incentives, to assure patient adherence.

e. Education and training for patients providers and public.

f. Include evaluation component to identify and replicate successes.

g. Require a 20% state or local match to ensure local commitment.

h. Require a three year commitment.•

By Mr. BREAUX:

S. 2995. A bill to amend the Marine Mammal Protection Act of 1972 to implement international agreements providing for the enhanced protection of dolphins, and for other purposes.

INTERNATIONAL DOLPHIN PROTECTION ACT OF 1992

• Mr. BREAUX. Mr. President, I rise today to introduce a bill of major importance to the marine mammal protection efforts of the United States and the dolphin protection efforts of the American tuna fishing industry. Millions of dolphins deaths have been a result of yellowfin tuna fishing practices by all nations in the eastern tropical Pacific Ocean. Increased awareness of dolphin population safety and health by both the public and the tuna fishing industry have fostered changes in industry. This bill assists the tuna industry in protecting dolphins by amending the Marine Mammal Protection Act of 1972, the Tuna Conventions Act of 1950 and South Pacific Tuna Act of 1988. When enacted, this bill will eventually eliminate dolphin mortality in the eastern tropical Pacific Ocean, at the same time changing yellowfin tuna fishing practices and methods.

As recently evidenced by foreign tuna fishing fleet activities, unilateral import restrictions by the United States will not foster compliance by other nations with United States objectives of greatly reduced dolphin mortality. This bill does not mandate unilateral trade sanctions against any country to enforce marine mammal protection in the tuna industry, but instead encourages multilateral agreements to bring about a fundamental change in tuna fishing practices. Other nations harvesting yellowfin tuna are now willing to participate in appropriate multilateral agreements, as evidenced by their participation in the Inter-American Tropical Tuna Commission resolutions, to reduce and eventually eliminate dolphin mortality in the eastern tropical Pacific Ocean yellowfin tuna industry.

Established by the Tuna Conventions Act of 1950, the Inter-American Tropical Tuna Commission [IATTC] is the recognized international commission dealing with the eastern tropical Pacific Ocean tuna fishery. Nine major tuna fishing nations agreed on June 18, 1992, through the IATTC, to a new dolphin protection program aimed at significantly reducing the dolphin mortality over a 7 year period. This legislation builds on the IATTC resolution by requiring the Secretary of State, in consultation with the Secretary of Commerce, to enter into multilateral international agreements. These agreements will implement the IATTC program for dolphin protection by reducing dolphin mortality and, as soon as practicable, eliminating dolphin mortality in the eastern tropical Pacific Ocean tuna fishery. Implementation of agreements and issuance of regulations, as authorized by this legislation, shall be under the Marine Mammal Protection Act and the Tuna Conventions Act.

This legislation prohibits after February 28, 1994, except for research and as permitted by U.S. regulation, setting purse seine nets on marine mammals during yellowfin tuna fishing. When this bill is enacted, the American Tunaboat Association's general permit for taking dolphins will be reduced significantly and the dolphin take may not exceed the number allocated by the IATTC to the U.S. tuna fleet. This IATTC limit on dolphin mortality also includes mortality caused by research.

Embargo provisions imposed by this bill would function much the same as those of the Pelly amendment. Under this bill the Secretary of Commerce, in consultation with the Secretary of State, will notify the President and the nation concerned, if that nation is not fully implementing it's commitments under the multilateral agreement. Fifteen days after Presidential notification, all imports of yellowfin tuna and tuna products would be banned. If the nation has not taken action to fully comply within 60 days of notification, all fish and fish products, including shrimp, would be banned. The ban would last until the nation is fully implementing the provisions of the agreement.

This legislation contains embargo provisions for all nations exporting yellowfin tuna to the United States; those nations will be required to provide documentary evidence that the yellowfin tuna harvesting nation has agreed to the IATTC resolution creating the dolphin protection program and enforcing the dolphin protection provisions of that resolution. This bill will, effectively, prohibit import of yellowfin tuna from nations who do not agree to the IATTC resolutions. This is a major change to the comparability standards presently used to determine a yellowfin tuna import ban from a violating nation.

Secondary embargoes are presently in place in the United States for selected yellowfin tuna imports. The term "secondary embargo," in this case, is an embargo placed on a nation which processes and exports yellowfin tuna to the United States, but does not actually participate in the yellowfin tuna fishery. Now, nations are faced with a secondary embargo if they cannot assure that yellowfin tuna exported to the United States were caught using dolphin safe methods. The determination of a secondary nation embargo is also changed in this bill. The secondary nation embargo provisions will be lifted under this bill when the secondary nation provides reasonable proof that it has not imported in the previous 6 months yellowfin tuna or yellowfin tuna products from a nation subject to a direct U.S. import ban. These new embargo provisions will greatly simplify the embargo determination procedures now used by the United States.

The approach taken by this legislation on import restrictions should resolve the General Agreement on Tariffs and Trade [GATT] concerns this Nation has with Mexico and several other countries relating to yellowfin tuna fishing practices. Also, this bill will provide a framework for resolving other important issues related to the dolphin mortality problem in the eastern tropical Pacific Ocean.

Also included in the bill are provisions for civil and criminal penalties for any person who: violates the regulations established under this bill; refuses to permit an enforcement inspection of his vessel and; assaults, resists, impedes, opposes, intimidates or interferes with a search conducted under provisions of this bill.

Another provision of this bill establishes tuna research programs, in conjunction with the IATTC, to develop fishing methods for large yellowfin tuna without setting nets on marine mammals. The U.S. Marine Mammal Commission will review all IATTC research proposals and make research recommendations to the U.S. IATTC Commissioners. Appropriations authorized are $3 million per year from 1993 to 1998 for the research provisions of this bill.

The International Dolphin Protection Act of 1992 will conserve and protect the dolphin populations in the eastern tropical Pacific Ocean, maintain the strong dolphin conservation program of the United States yellowfin tuna fleet and resolve the yellowfin tuna GATT issue with Mexico.

Mr. President, I urge my colleagues to join with me in support and passage of this urgent and important piece of legislation.●

ADDITIONAL COSPONSORS

S. 434

At the request of Mr. SHELBY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 434, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1372

At the request of Mr. GORE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1379

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1379, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 1565

At the request of Mr. GRAHAM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1565, a bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with route transfers.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Mississippi [Mr. LOTT], the Senator from Wisconsin [Mr. KASTEN], the Senator from Kansas [Mr. DOLE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 2002

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income.

S. 2027

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the medicare program.

S. 2057

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2057, a bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to modernize Department of Defense

acquisition procedures, and for other purposes.

S. 2062

At the request of Mr. KENNEDY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2116

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2116, a bill to improve the health of children by increasing access to childhood immunizations, and for other purposes.

S. 2244

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2479

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2479, a bill to approve the President's rescission proposals submitted to the Congress on March 20, 1992.

S. 2483

At the request of Mr. BROWN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2483, a bill to provide assistance to Department of Energy management and operating contract employees at defense nuclear facilities who are significantly and adversely affected as a result of a significant reduction or modification in Department programs and to provide assistance to communities significantly affected by those reductions or modifications, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2531

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2531, a bill to establish a Commission on Project Government Reform.

S. 2543

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2543, a bill to amend the Foreign Relations Authorization Act, fiscal years 1992 and 1993, to prevent the transfer of certain goods or technology to Iraq or Iran, and for other purposes.

S. 2656

At the request of Mr. FORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Kansas [Mr. DOLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2707

At the request of Mr. RIEGLE, the names of the Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. BROWN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 2707, a bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th Anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes.

S. 2870

At the request of Mr. RUDMAN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2870, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes.

S. 2887

At the request of Mr. MCCONNELL, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

S. 2900

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2922

At the request of Mr. COHEN, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2936

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2936, a bill to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes.

S. 2942

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2942, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 2958

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2958, a bill to amend chapter 37 of title 38, United States Code, to expand the housing loan program for veterans.

S. 2961

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2961, a bill to amend title 38, United States Code, to permit the burial in ceremonies of the National Cemetery System of certain deceased reservists, to furnish a burial flag for such members, to furnish headstones and markers, and for other purposes.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued

by State and local development companies.

S. 2969

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2969, a bill to protect the free exercise of religion.

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Connecticut [Mr. DODD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the names of the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Georgia [Mr. NUNN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

SENATE RESOLUTION 301

At the request of Mr. SIMON, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. MOYNIHAN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 301, a resolution relating to ongoing violence connected with apartheid in South Africa.

SENATE RESOLUTION 325—RELATING TO THE YEMEN ARAB REPUBLIC RESTRICTIONS ON YEMENI-JEWS

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 325

Whereas, since 1948 when the State of Israel was born, Jews in Arab nations have routinely faced economic and social discrimination;

Whereas, in the Yemen Arab Republic, approximately 1,200–1,500 Jews form one of the world's most isolated and threatened communities;

Whereas, Yemeni-Jews have been severely restricted, permission to leave for any reason, be it for illness, family reunification, or education;

Whereas, Yemeni-Jews are denied public education and only recently allowed to form their own schools;

Whereas, the restrictions on emigration and movement on Yemeni-Jews violate the international Covenant on Civil and Political Rights, to which Yemen is a signatory;

Whereas, the last sizable emigration of Yemeni-Jews occurred in 1962, before the Yemeni civil war;

Whereas, information has just been received that many Jews are leaving the Yemen hill country due to a lack of food and any means of work thus putting an added strain on the Jewish community already unable to sustain itself: Now, therefore, be it *Resolved*, That the Senate—

(1) urges the Government of the Yemen Arab Republic to cease its obstruction and allow unlimited Yemeni-Jewish emigration from the country, free travel for family reunification, medical treatment and educational purposes;

(2) urges that the provision of free and unlimited exchange of letters and phone calls be extended to Yemeni-Jews;

(3) urges that the issue of the emigration and family reunification of Yemeni-Jews be part of any equation of any kind of United States aid to the Government of the Yemen Arab Republic, including technology, development assistance, agricultural assistance, and weapons;

(4) urges the President to discuss with the allies and trading partners of the United States to make similar pleas to the Yemen Arab Republic on behalf of Yemeni-Jews' freedom of travel and emigration.

Mr. D'AMATO. Mr. President, I rise today to introduce a resolution that calls upon the Government of the Yemen Arab Republic to lift its restrictions on Yemeni-Jews and allow them freedom of unlimited and complete emigration and travel.

Almost immediately after the birth of the State of Israel in 1948, Jews and Arab lands were targeted for discrimination and segregation. Those that did not have the chance to emigrate were subject to arbitrary and complicated legal procedures that governed every aspect of their existence. We have heard of the Jews of Iraq, Syria, and from the countries of North Africa, yet we must address the problems facing the 1,200–1,500 remaining Jews of Yemen.

Following the end of Israel's victory in the war of independence, some 50,000 Yemeni-Jews made aliyah in "Operation Magic Carpet." Despite thoughts that all of Yemen's Jews had made their way out to Israel, unfortunately a small community had been left there.

The Jewish community in Yemen has since fallen prey to the harsh realities of Arab nationalist rule, whereby Jews in Arab lands become subject to reprisal for any action in the long Arab-Israeli struggle. They are held hostage to the whim of the government and discriminated against in every walk of life.

The Jews of Yemen face severe restrictions in the economic and social life of the nation. Most importantly, they are denied the right of free and complete emigration and travel for family reunification, medical treatment, or even educational purposes.

The last sizable emigration of Yemeni-Jews occurred in 1962 before the Yemeni Civil War. A precious few have been allowed out since then. Yemen refuses to allow its Jews to leave the country. This is the problem and this is why we must act.

Information has been received as of late that many Jews are leaving the Yemen hill country out of hunger and for a lack of work. This places an added strain on an already overstressed community and only exacerbates the situation.

Just as with Syria, Yemen too must be told that it cannot hold its Jewish population hostage. As these nations claim to be progressive, "peace-loving" members of the international community, they deny the most basic of human rights to a small segment of their population only because that population is Jewish. This is outrageous.

Yemen must allow Yemeni-Jews to emigrate and be reunified with their families overseas. The Yemeni claim to be a civilized nation cannot be taken seriously until it allows Yemeni-Jews free. The time for action is now. Yemen's Jews must be free.

AMENDMENTS SUBMITTED

INTERSTATE TRANSPORTATION ON MUNICIPAL WASTE ACT

COATS (AND OTHERS) AMENDMENT NO. 2731

Mr. COATS (for himself, Mr. BOREN, and Mr. SPECTER) proposed an amendment to the bill (S. 2877) entitled the Interstate Transportation on Municipal Waste Act, as follows:

Beginning on page 3, strike line 24 and all that follows through page 4, line 18 and insert in lieu thereof:

"(ii) a written, legally binding contract for disposal of municipal waste generated outside the jurisdiction of the affected local government that is consistent with, and was lawfully entered into after June 18, 1992, as the result of—

"(I) a host agreement; or

"(II) a written, legally binding, contract that was lawfully entered into by the affected local government and authorizes a landfill or incinerator to receive municipal waste generated outside the jurisdiction of the affected local government.

"(D) A Governor may require that contracts covered by (i), or (ii) of subparagraph (C) of this paragraph be filed with the State."

CHAFEE (AND BOREN) AMENDMENT NO. 2732

Mr. CHAFEE (and Mr. BOREN) proposed an amendment to the bill S. 2877, supra, as follows:

At the end of the Coats amendment add the following new text:

"(E) Nothing in this Act shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government that were in effect on June 18, 1992. The validity of any action by a Governor which would result in the violation of or failure to perform any provision of such contracts shall be determined under applicable State law.".

SPECTER AMENDMENT NO. 2733

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment to the bill S. 2877, supra, as follows:

On page 6, between lines 11 and 12, insert the following new paragraph:

"(3) except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar 1995, a Governor of any state which receives more than 1.25 million tons of out-of-state municipal waste, if requested in writing by the effected local government and the effected local solid waste planning unit, if any, may further limit the disposal of out-of-state municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30 percentum annual volume limitation to 20 percentum in each of calendar years 1995 and 1996 and to 10 percentum in each succeeding calendar year."

On page 6, line 12, strike "(3)(A)" and insert "(4)(A)."

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)."

HATFIELD (AND OTHERS) AMENDMENT NO. 2734

(Ordered to lie on the table.)

Mr. HATFIELD (for himself, Mr. PACKWOOD, and Mr. JEFFORDS) submitted an amendment to the bill S. 2877, supra, as follows:

On page 2, before line 1, add the following new title:

TITLE I—INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

On page 2, line 1, strike "2" and insert "101".

On page 13, after line 7, add the following new title:

TITLE II—BEVERAGE CONTAINER RECYCLING

SEC. 201. SHORT TITLE.

This title may be cited as the "National Beverage Container Reuse and Recycling Act of 1992".

SEC. 202. FINDINGS.

The Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of such containers.

(3) Solid waste resulting from such empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of such waste.

(4) It is difficult for local communities to raise the necessary capital needed to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate these unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers, and these have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(7) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would result in a high level of reuse and recycling of such containers and help reduce the costs associated with solid waste management.

(8) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(9) The reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on the Federal Government, local and State governments, and the environment.

(10) The collection of unclaimed refunds from such a system would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the Nation.

(11) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(12) The provisions of this title are consistent with the goals set in January 1988, by the Environmental Protection Agency, which establish a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. 203. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) AMENDMENT.—The Solid Waste Disposal Act is amended by adding the following new subtitle at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"SEC. 12001. DEFINITIONS.

"For purposes of this subtitle—

"(1) The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety of liquid form intended for human consumption.

"(2) The term 'beverage container' means a container constructed of metal, glass, plastic, or some combination of these materials and having a capacity of up to one gallon of liquid and which is or has been sealed and used to contain a beverage for sale in interstate commerce. The opening of a beverage container in a manner in which it was designed to be opened and the compression of a beverage container made of metal or plastic shall not, for purposes of this section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

"(3) The term 'beverage distributor' means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

"(4) The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

"(5) The term 'consumer' means a person who purchases a beverage container for any use other than resale.

"(6) The term 'refund value' means the amount specified as the refund value of a beverage container under section 12002.

"(7) The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume), consisting of wine and plain, sparkling, or carbonated water and containing any one or more of the following: non-alcoholic beverage, flavoring, coloring materials, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives.

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

"Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate rules establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator as provided in section 12008.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

"For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than the persons described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE.

"(a) PAYMENT BY RETAILER.—If any person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the retailer shall promptly pay such person the amount of the refund value stated on the container.

"(b) PAYMENT BY DISTRIBUTOR.—If any person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay such person (1) the amount of the refund value stated on the container, plus (2) an amount equal to at least 2 cents per container to help defray the cost of handling. This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

"(c) AGREEMENTS.—(1) Nothing in this subtitle shall preclude agreements between dis-

tributors, retailers, or other persons to establish centralized beverage collection centers, including centers which act as agents of such retailers.

"(2) Nothing in this subtitle shall preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

"SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

"(a) UNCLAIMED REFUNDS.—At the end of each calendar year each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during that year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in that State. The total of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in that State.

"(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceed the total refund value of all containers sold by the distributor for resale in that State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year designated by the beverage distributor.

"SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

"(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in metal beverage container a part of which is designed to be detached in order to open such container.

"(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled under section 12002 or any metal, glass, or plastic from such a beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

"SEC. 12007. EXEMPTED STATES.

"(a) IN GENERAL.—(1) The provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle shall not apply with respect to any State which—

"(A) has adopted and implemented requirements applicable to all beverage containers sold in such State which the Administrator determines to be substantially similar to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

"(B) demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

"(2) If at any time following a demonstration under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any period of 12 consecutive months, to maintain at least a 70 percent recycling or reuse rate of its beverage containers, the Administrator shall notify the State that, upon the expiration of the 90-day period following such notification, the provisions under sections 12002 through 12005 and sections 12008 and 12009 shall be applicable with respect to that State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B). For purposes of this section, if a State demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date of this subtitle, such State had a mandatory Statewide recycling program; and is achieving a recycling or reuse rate for beverage containers of at least 60 percent on the effective date of this subtitle, the State shall be deemed to have satisfied the requirements of paragraph (2) and shall be granted an additional 2 years to achieve a recycling or reuse rate of at least 70 percent.

"(b) DETERMINATION OF TAX.—No State or political subdivision which imposes any tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of such container.

"(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall be construed to affect the authority of any State or political subdivision thereof to enact or enforce (or continue in effect) any law respecting a refund value on containers other than beverage containers or from regulating redemption and other centers which purchase empty beverage containers from beverage retailers, consumers, or other persons.

"SEC. 12008. REGULATIONS.

"Not later than 12 months after the date of enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle. The regulations shall include a definition of the term 'beverage retailer' in a case in which beverages in beverage containers are sold to consumers through beverage vending machines. Such regulations shall also adjust the 10 cent amount specified in section 12002 to account for inflation. Such adjustment shall take effect 10 years after the date of enactment of this subtitle and additional adjustments shall take effect at 10 year intervals thereafter.

"SEC. 12009. PENALTIES.

"Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

"SEC. 12010. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as provided in section 12008 and subsection (b), this subtitle shall become effective on the date that is 3 years after the date of enactment of this title.

"(b) EXCEPTION.—If a State demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date prescribed in subsection (a), the State achieved a recycling or reuse rate for beverage containers of at least 60 percent, this subtitle shall become effective with respect to the State on the date that is 5 years after the date of enactment of this title.".

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by adding the following at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINERS RECYCLING

"Sec. 12001. Definitions.
"Sec. 12002. Required beverage container labeling.
"Sec. 12003. Origination of refund value.
"Sec. 12004. Return of refund value.
"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.
"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.
"Sec. 12007. Exempted States.
"Sec. 12008. Regulations.
"Sec. 12009. Penalties.
"Sec. 12010. Effective date.".

U.S. CAPITOL POLICE JURISDICTION ACT

FORD AMENDMENT NO. 2735

Mr. LAUTENBERG (for Mr. FORD) proposed an amendment to the bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Jurisdiction Act".

SEC. 2. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101–520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 3. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have authority to make arrests in that part of the District of Columbia outside the United States Capitol Grounds for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Sen-

ate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law.".

(b) The authority granted to the Capitol Police by the amendment made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

SEC. 4. UNIFIED PAYROLL STUDY.

The Capitol Police Board shall provide for a study to determine the feasibility and desirability of administering payrolls for members of the Capitol Police and civilian support personnel of the Capitol Police on a unified basis by a single disbursing authority. The Capitol Police Board shall report the results of such study, together with its recommendations, to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives before January 1, 1994.

TITLE I—LUMP-SUM PAYMENT PROVISIONS

SEC. 101. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 102. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 103. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

TITLE II—CITATION RELEASE

SEC. 201. BAIL AND COLLATERAL.

(a) ACTING CLERK.—(1) The judges of the Superior Court of the District of Columbia shall have the authority to appoint an official of the United States Capitol Police to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock post meridian and 9 o'clock ante meridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(2) An officer or member of the United States Capitol Police who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court.

(3) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(4) No citation may be issued under paragraph (2) or (3) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(b) PENALTY.—Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 1 year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

NOTICE OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding hearings on Tuesday, July 21, 1992, beginning at 9:30 am., in 485 Russell Senate Office Building on a draft legislation to establish a National Indian Policy Research Institute, to be followed by another hearing beginning at 2:30 p.m. on S. 2746, the Overseas Private Investment Corporation Indian Eligibility Act of 1992.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, July 23, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2833, the Crow Settlement Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Wednesday, July 22, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 2975, the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1992.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 28, 1992, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Hugo Pomrehn, nominee to be Under Secretary of Energy and John Easton, Jr. to be an Assistant Secretary of Energy for Domestic and International Energy Policy, Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 9:30 a.m., in executive session, to markup conventional forces and alliance defense programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 4 p.m., in executive session, to markup manpower and personnel programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 2:30 p.m., in executive session, to markup readiness, sustainability, and support programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 21, 1992, at 9:30 a.m., on auto repair fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 21, 1992, at 3 p.m. on the nomination of Jose Antonio Villamil of Florida to be Under Secretary of Commerce for Economic Affairs and Mary Jo Jacobi of Mississippi to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, July 21, 1992, at 10 a.m. to conduct a hearing on the Federal Reserve's Semi-Annual Monetary Policy Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 1992, at 10 a.m. to hold a hearing on the effect the U.S. Tax Code has on competitiveness, compared with tax systems in Germany, Japan, and the United Kingdom.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, July 21, at 10 a.m. for a hearing on the subject: Federal technology policy and environmental protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 21, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on a draft legislation to establish a National Indian Policy Research Institute, to be followed by another hearing beginning at 2:30 p.m. on S. 2746, the Overseas Private Investment Corporation Indian Eligibility Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO CARL GARNER, HEBER SPRINGS, AR

• Mr. PRYOR. Mr. President, today Carl Garner of Heber Springs, AR, will be installed into the Take Pride in America Hall of Fame on behalf of the Greers Ferry Lake and Little Red River cleanup project.

The hall of fame designation for this Arkansas project comes after a fifth consecutive Take Pride in America Award. Carl Garner has been the driving force behind the cleanup, the first of which occurred back in 1970.

Each year volunteers clean a two-county area, including 300 lakeshore miles, 25 river miles and 50 roadside miles. No public funds are used. Area businesses donate expense money.

The Greers Ferry Lake and Little Red River Cleanup, now in its 23d year, is a year-round environmental and educational program. Its sponsors include the U.S. Army Corps of Engineers, the Greers Ferry Lake Resident office, the Greers Ferry Lake and Little Red River Association, the U.S. Fish and Wildlife Service, Greers Ferry National Fish Hatchery, Coca Cola Bottling Co. of Arkansas, Bev-Pak Recycling Inc., Keep America Beautiful Commission, and Reynolds Aluminum Recycling Co.

This project has been so successful that it has been the national model for Federal lands' cleanup initiatives.

Mr. President, I applaud the continued hard work of Carl Garner and the thousands of volunteers who work throughout the year to make this recreational area a showplace in our State.•

THE 33D ANNIVERSARY OF CAPTIVE NATIONS WEEK

• Mr. D'AMATO. Mr. President, I rise today to denounce the continued oppression perpetrated by Communist regimes which have been unyielding in their resistance to the global spread of democracy. As this week marks the 33d anniversary of Captive Nations Week, there are still millions of people enslaved by communism.

This is truly a time of thanksgiving. The cold war has ended with democracy victorious. The Soviet Union has died an overdue death and the people of Russia have democratically elected a president, Boris Yeltsin.

Communism, which always claimed to be an egalitarian system has failed. Communism was, indeed, successful in creating an egalitarian society only in the sense that all Soviet citizens led equally miserable lives. It was the Communist Party elite who enjoyed more privileged lifestyles and parasitically fed off the labor of the captive peoples of their rule.

We cannot rest until communism is laid to rest everywhere. Oppressive Communist regimes must not be allowed to continue abusing their people through suppressive activities such as the Tiananmen Square crackdown.

We also cannot allow these remaining Communist regimes to ship weapons and sensitive nuclear technology to belligerent Third World nations. China and North Korea are well known for these acts of destabilization. For there to be peace this must stop.

In order to guarantee our long-term security and the security of newly elected democratic states, communism must finally be laid to rest.•

WORLD ORGANIZATION FOR EARLY CHILDHOOD EDUCATION CONFERENCE

• Mr. DECONCINI. Mr. President, from August 2 to August 7, 1992, two cities in Arizona, Flagstaff and Mesa, will be the joint sites of the 20th World Congress of the World Organization for Early Childhood Education—OMEP, [Organisation Mondiale pour

l'Education Préscolaire]. During these 6 days, 2,000 delegates from 55 member nations will come together on the campus of Northern Arizona University in Flagstaff and at Centennial Hall in Mesa to promote the health, education, rights, and general well-being of children around the world. Since its inception in Prague 44 years ago, this is only the second time the OMEP World Congress will be held in the United States.

While in Arizona, OMEP members will share ideas and initiate action on issues surrounding this year's theme: "Working for All Children: Their Survival, Protection and Development." Specifically, conferees will focus on implementation of the goals of the historic 1990 World Summit for Children, where for the first time ever, leaders from over 70 nations gathered together at the United Nations to discuss the state of the world's children.

There are almost 3 billion children on the Earth today; tragically, more than 14 million of them will die this year. One thousand will die in the next hour alone. Most of the deaths—from measles, whooping cough, diarrhea, tetanus, and pneumonia—could be prevented with the medical technology and know-how which we already possess. As James P. Grant, executive director of UNICEF, says: "It is the greatest condemnation of our times that more than a quarter of a million small children should still be dying every week of easily preventable illness and malnutrition. Such facts shame and diminish us all."

In a few days educators, pediatricians, lawyers, psychologists, social workers, writers, and parents from the world community, many of international renown, will meet in Arizona to address a common goal—to improve the lives of children everywhere. They will exchange information on eliminating childkilling diseases, on combating world starvation, on increasing child immunizations, on reducing infant mortality, and increasing educational opportunities for children. Speeches will be simultaneously translated into English, Spanish, and French, and the major sessions will be available worldwide via satellite teleconferencing. It is an excellent way of utilizing the ideas and motivation of 2,000 committed delegates from around the world.

I would like to congratulate the cities of Flagstaff and Mesa on being chosen as the sites of OMEP's 20th World Congress. This is an honor that has only been bestowed once before in the United States. OMEP is an outstanding example of the fact that we are all members of one world community with the common responsibility to care for our young. To abandon this responsibility today is to risk the best hope we have for our future.●

TRIBUTE TO SALYERSVILLE

● Mr. McCONNELL. Mr. President, I rise today to recognize the town of Salyersville in Magoffin County.

Salyersville is a true Kentucky town steeped in the fine values and traditions which make me proud to represent this great Commonwealth of Kentucky. Located in the rising mountains of the Cumberland plateau, Salyersville holds a unique place not only in the geography of our State, but in its history as well.

Many towns theses days are just a stopping point for today's mobile families. Salyersville, however, is a town of deep-rooted family trees and family values. A number of families can trace their history in Magoffin County all the way back to the American Revolution.

As Salyersville forges ahead toward the year 2000 it will be challenging for the town to maintain its connection with the past while keeping up with the present. However, I am confident that Salyersville will accept this challenge as it has done in the past when facing similar situations.

The citizens of Salyersville are revitalizing the downtown and cleaning up the city-county park. It is this unstoppable work ethic which will ensure Salyersville a bright future.

Mr. President, I would like the following article from the Louisville Courier-Journal to be submitted into the RECORD.

The article follows:

SALYERSVILLE

(By John Voskuhl)

Connie Wireman, an elementary school teacher, knows the hold that Salyersville and Magoffin County have on their people.

Wireman's class participated in a field trip to Cincinnati last school year. On the trip home, after miles of travel through the Bluegrass, their school bus began the slow climb up the Bert T. Combs Mountain Parkway, which ends at Salyersville.

At the instant they hit the mountains, the students loosed a spontaneous cheer, Wireman said.

"There's just something about these mountains," she said, smiling.

Wireman works with the Magoffin County Historical Society, which gives her insight into how people love to return to Salyersville. Each year over the Labor Day weekend, hundreds of people return to Salyersville for Founder's Day—a celebration that may be the most unusual of Kentucky's festivals.

Here's what happens: People from all over the country come to Salyersville to talk about their family histories. As it has done over the 14 years of the festival, the historical society presents a book—sometimes as long as 1,000 pages—on the history of a particular family. (The first year, 1978, the book was about the Adams family, in honor of William Adams, the town's founder.)

Kentucky counties have festivals of all sorts where folks celebrate, among other things, honey, apples, ham, hillbillies, coal, barbecue and mountain laurel. But, as Wireman put it, "I don't know of any other county that has a genealogy festival."

Here's a statistic to show how important history, genealogy and—yes—family names are to the people of Magoffin County. In a county of only about 13,000 people, the historical society has about 700 members. Proportionately, that would be like a Jefferson County genealogy society with more than 35,000 members.

The story of Salyersville is written in the local telephone book. It's in the surnames that recur on page after page: Adams, Arnett, Bailey, Howard, Montgomery, Prater, Salyer, Whitaker and Wireman.

Many of those names also appear on 200-year-old land grants that were awarded for service in the American Revolution. They appear in history books. They appear on tombstones. They appear on the doors of businesses and in the Magoffin County High School yearbook.

With few exceptions, the names in the telephone book belong to the families that established Salyersville. There are a few—a very few—newer names. A handful aren't so Anglo-Saxon. But residents have a ready explanation for that.

"It's got to be somebody who's married a girl from here and moved here," said Salyersville's mayor. His name is W. Joe Howard. "I'm always surprised to see those sorts of names in the phone book," he said.

(But don't get the idea that Salyersville's telephone book is boring. What it lacks in surname diversity, it makes up for in first names. Check 'em out: Tut, Grimzle, Chat, Gustie, Euriac, Edro, Comilus, Hearl, Wondle, Zendle, Ralfred, Treampas, Minus Ray, Vurmay, Burnzo, Wishard, Froy, Esknovah, Coachie, Rayon, Palisteen and Shelto.)

As the surnames indicate, Salyersville is a town with deep roots, a place that people don't like to leave.

"When the people took root, they rooted," said Todd Preston, president of the historical society.

That commitment to place has helped to keep Salyersville a small, tightknit community, said David Profitt, a Baptist minister whose family operates Martin's department store. At the same time—as with most small towns—it may keep new ideas from taking root.

For Profitt and others, staying the same means staying pretty good.

"Growing up, I had the opportunity to see firsthand a lot of good, rural values," Profitt said. "Basically, it's not much different now. It's still a good place to be."

That's not to say that Salyersville doesn't have problems.

Over the years, it's had its share of controversies and conflicts. Historically, the problem has centered on politics. Many elections were marred by allegations of vote-buying.

Howard, the mayor, acknowledges the past, but said it is just that—the past.

"There hasn't been any vote-buying in the past two elections," he said. "It's something that's kind of in the past in our county now. I think that's improved our county a lot."

But there's still conflict in and around Salyersville. The most highly publicized flap in recent months has been about a Florida-based partnership's proposal to build a large landfill that would accept waste—including fly ash—from outside the area and, possibly, out of state. Some county officials seemed to be preparing for the landfill without informing the public.

After news of the proposal broke last year, Magoffin Fiscal Court promised to block the landfill. But later the magistrates reversed

themselves, citing the opportunity for job-creation and for royalties that the partnership would pay to the county government. At this point, the landfill partnership has a permit application before state regulators, who are waiting for Fiscal Court to prepare a local waste-management plan.

Meanwhile, a citizens' group has collected about 7,000 signatures on a petition to put the issue before voters. Many residents fear that leakage from the landfill, could contaminate the Licking River, the county's water source.

Their petition is being considered for certification, but the partnership, Eastern Kentucky Resources, has filed suit seeking a declaration that such referendums are unconstitutional.

The partnership has paid about $150,000 in royalties but fiscal court voted last week not to spend that money.

People like Charles Hardin, a physician who heads Magoffin Countians for a Better Environment, say the issue has galvanized a citizenry that had grown complacent.

"I think this landfill issue has really pointed out the short-term and long-term importance of citizen involvement," he said.

For instance, the environmental group has now gone beyond its original mission of stopping the landfill to cleaning up the city-county park in Salyersville and reinvigorating the local Independence Day parade.

That zest for change may be reflected in the turnaround of the City Council, said James M. "Pete" Shepherd, a dentist who was among a new slate of "fiscal reformers" that took office in January.

"I think people are saying we just can't keep electing the good old boys," Shepherd said.

Since January, Shepherd said, the new council has increased the budgets of the city police and fire departments by 20 percent each, begun paying off debts that the city has accumulated and eliminated a 1 percent occupational tax that the former City Council instituted.

Not many city councils are cutting taxes these days, Shepherd acknowledged. But he said the Salyersville council was able to do so by cutting about 30 percent out of the city's "general government budget." The mayor's salary—and benefits for city employees—were reduced.

At the same time, a lot of "contract labor," such as a $3,400 contract for a "city detective," was cut.

"Nobody could tell us what a city detective did," Shepherd said.

But even as the city government gets on more solid financial footing, the city's economy is somewhat wobbly.

Coal, oil and gas—traditionally the major employers in Magoffin County—have dwindled in recent years. Double-digit unemployment is the norm.

"I think the biggest problem Salyersville has is the biggest problem that Eastern Kentucky has, and that is a lack of economic opportunity," Hardin said.

Like a lot of small towns, Salyersville's main square has more than its share of vacant buildings. The parkway, which runs just south of town, where it links up with U.S. 460, takes most travelers to a new strip dotted with fast-food restaurants and service stations.

Even Martin's, the department store that has anchored a spot downtown since 1953, will be moving out to a shopping center soon in search of more parking and more shoppers, Profitt said.

City leaders have big plans to refurbish downtown—planting trees, burying telephone and power cables, laying brick sidewalks and putting in decorative lighting fixtures.

The idea is to make Salyersville's downtown a place for specialty shops, Howard said—"something that would bring people into town."

Once they arrive, Howard said, people will find a pleasant community with an established sense of history that is now—thanks in large part to the landfill controversy—beginning to establish a sense of the future.

"People are starting to look around at the city and the county, and they're wanting something better," he said. "Standing together on one issue sort of puts them together on a lot of issues."

Population (1990): Magoffin County, 13,077; Salyersville, 1,917.

Per capita income (1988): $7,247, or $5,545 below the state average.

Jobs: State and local government, 591; wholesale and retail, 347; service, 300.

Biggest employer: Continental Conveyer & Equipment Co., 200 jobs; Salyersville Health Care, Inc., 134; KBC Mining Co., 57; Precision Pipeline, 50.

Education: Magoffin County Schools, 3,030 students.

Media: Newspapers: Salyersville independent, weekly. Radio: WRLV, AM and FM (country).

Transportation: Road—Salyersville is served by the Bert T. Combs Mountain Parkway, U.S. 460, Ky. 7 and Ky. 114. Rail—CSK Transportation serves Magoffin County, though the rail does not extend to Salyersville. Air—The nearest commercial airport is the Tri-State Airport in Huntington, W.Va., 77 miles.

Topography: Salyersville lies in the Licking River valley amid small patches of relatively flat farmland and the steeply rising mountains of Appalachia's Cumberland Plateau.

FAMOUS FACTS AND FIGURES

There's a whole lotta licking going on in Magoffin County. In addition to the Licking River, which rises there, the county also has a town called Lickburg. And there are the creeks and branches that feed the Licking: Salt Lick, Big Lick, White Lick, Painters Lick, Lick Creek and Tick Lick.

Magoffin County was carved out of parts of Floyd, Johnson and Morgan counties in 1860 and was named for Gov. Beriah Magoffin. Magoffin was a Confederate sympathizer who resigned as governor in 1862 after unionists in the General Assembly pressured him to ease enforcement of Kentucky's Armed Neutrality Act.

Salyersville was originally known as Adamsville, after William "Uncle Billie" Adams, who had donated land for public buildings and encouraged economic development. But when the village became the county seat, its name was changed to Salyersville in honor of state Rep. Sam Salyer, who introduced the bill that created the county.

Visitors to Magoffin can study Eastern philosophy in Orient, research Western thought in Plutarch, try to find their spiritual center in Mid, scale new heights in Tiptop or simply wander around Gypsy.●

CAPTIVE NATIONS WEEK

● Mr. LEAHY. Mr. President, I rise to call attention to Captive Nations Week, July 19 through 25. I do so not only because we commemorate the plight of oppressed nations this week, but also because the past 12 months have given new meaning to the concept of "captive nations." While the list of such nations fortunately has grown shorter, recent turmoil around the world has shown how precarious the existence of subjugated nations really is.

We have seen the greatest progress in the former Soviet Union. I hope that the new sovereignty of the former Soviet Republics will bring the kind of peace and friendship which everyone has hoped for since the formation of the Commonwealth of Independent States in December.

Most of us here realize that Russia's fledgling democratic government faces serious economic and political challenges. But President Boris Yeltsin and his supporters must not allow these problems to prevent the withdrawal of Russian troops from the Baltic States and Moldova promptly. I also hope that reforms in Russia will consolidate the civil rights of the more than 50 non-Russian nationalities within the Russian Federation. This body's passage of the Freedom Support Act reflects our faith that Russia's current leadership will strive to continue improving relations among Eurasia's diverse cultures.

In sharp contrast to the progress in the former Soviet Union, mainland China remains a captive nation, as its people continue to suffer severe political, cultural, and religious repression at the hands of the oligarchy in Beijing.

China's leaders also keep other cultures—particularly Tibetans—in a tight stranglehold. Beijing's policy of trampling native Tibetan culture reflects a desire to preserve the borders of the old Chinese Empire—a historical anachronism which does not belong in this century, much less the next. As I have said before, this body must not compromise its stand on human rights by approving unconditional most-favored-nation status for the People's Republic of China. To do so would subsidize that government with a United States trade deficit, and thus encourage the Chinese leaders' belief that they can get away with oppressing their own people.

Next to China lies another captive nation, North Korea, whose regime has chosen to resist the global trend toward freedom. In so doing, the leaders in Pyongyang have made their state an isolated hermit kingdom which Korea had been in ancient times.

One captive nation lies right at our doorstep: Cuba. For over 30 years now, the Cuban people have lived under a repressive system which revolves around the personality cult of Fidel Castro. Cuba's economy remains a hard-line, centralized command system which crushes all initiative.

Despite ugly situations like those in China and Cuba, there is a feeling of optimism about the future of relations among the world's peoples. Mr. Yeltsin certainly reinforced that feeling when

he recently spoke before Congress. Yet crises around the globe warn us that if we fail to keep a watchful eye out for the safety of small nations, we will face more waves of refugees like those from Haiti, and more heinous acts of genocide like the one in Sarajevo.

I sincerely hope that the coming months will give us still better developments than what we have seen this year. We have come a long way, but we still have a long way to go.●

THE SBA REGION 10 "ENTREPRENEURIAL SUCCESS AWARD"

● Mr. GORTON. Mr. President, I would like to take this opportunity to congratulate a family-owned business in North Bend, WA. The Rogers family was recently awarded the Entrepreneurial Success Award by region 10 of the Small Business Administration. The Rogers' family business has grown over the years from a small truck stop into the Seattle East Auto-Truck Plaza which was singled out of a field of highly competitive applicants from five States to win this prestigious award.

The American entrepreneurial spirit is alive and well in North Bend, WA, thanks to business owners like Neil and Hadley Rogers. The Rogers brothers' story is, undoubtedly, not different than others throughout the State of Washington—or even this Nation—and serves as a reminder that, if given support and backing, the entrepreneur will succeed.

The Rogers have the same worries and concerns of other small businessowners. They worry about excessive Government regulation, keeping their competitive edge in a changing marketplace and finding good employees. In 1975 the Rogers were the recipient of an SBA loan which enabled them to expand and relocate their business. This loan, along with hard work and dedication, started the Rogers along their path to success. Over the course of 17 successful years the Rogers family has been responsible for bringing jobs and economic opportunities to the many families and communities in North Bend.

I extend my congratulations to the Rogers family on receiving the Entrepreneurial Success Award and wish them many successful years to come.

The article follows:

[From the Bellevue Journal American, June 1992]

NO SMALL SUCCESS: NORTH BEND TRUCK STOP WINS NATIONAL SBA HONOR

(By Karl L. Kunkol)

NORTHBEND.—All the Rogers brothers wanted to rebuild their truck stop in 1974 was $1 million.

Start-up capital, they figured, was the only ingredient missing from their recipe for success. The Small Business Association, after a bit of wrongling, came through with the dough, Wednesday, 18 years later, Seattle East Auto-Truck Plaza was saluted during an elaborate luncheon ceremony as one of the SBA's top 10 national success stories.

The finally-owned complex, headed by brothers Neil and Hadley Rogers; won the federal agency's Entrepreneurial Success Award for Region X which includes Alaska, Oregon, Idaho and Washington. The award, given to 10 businesses yearly, honors SBA-aided companies based on their growth, profitability, innovativeness and community contributions.

The 16-acre site north of interstate 90 on exit 34, known locally as "Truck Town," employs more than 150 people to serve more than 1,400 cars and 800 trucks daily with its blend of fuel pumps, home cooking, modest quarters and plenty of free parking. In 1990, its revenues neared $10 million.

Although the extent of Truck Town's success has surprised its operators, they knew they were on to a good thing from the start. "The biggest obstacle we've faced was getting the (SBA) loan," recalled Hadley Rogers, who took his case to Washington, D.C. after the Seattle SBA office rejected the brothers' initial request. "You have to remember, $1 million was a lot of money back then.

"Of course, it still is now * * * but start-up costs for businesses are a great deal more now and $1 million doesn't seem as shocking as it did then." Because the brothers had worked for their father, Ken, in the restaurant and truck stop business in the area since 1941, they were confident in their market. The started as Ken's Cafe with six employees, then relocated in 1960 and became Ken's Truck Town;

The truck stop prospered until 1969 when the highway commission bought the property to pave the way for I-90. The Rogers family continued to lease the truck stop until 1975, when I-90 construction closed its doors and sent the two brothers looking for another site with their new found SBA loan.

"We knew (the current truck stop) would be a success because we had done pretty well at our old location before (the interstate) came in," Hadley Rogers said. After achieving a steady cash flow within a year of the new Truck Town's opening in October 1976, the Rogers have been able to withstand a national energy crunch and two recessions.

"The fuel shortage was tough," Hadley Rogers said. "Truckers would pull up wanting to buy 150 gallons, but all we could sell them was 30." He added the financial strain was even more difficult to swallow because the fuel pinch was artificial, "I thought it was contrived," he said, "Every fuel tank in the country was full * * * but they wouldn't let go of it because every day the price just climbed a little higher."

Today, Neil Rogers serves as Truck Town's chief administrator since his older brother recently retired. He cited the recession and future environmental regulations as the primary challenges facing the business. "The recession hurts because, for one, the truck traffic is way down," Neil Rogers said. "Another thing is that people don't buy as much as they normally would."

"Things that people really need, they still buy. But they don't buy the things they only want. They don't go for any 'extras.'"

Neil Rogers cringes when he thinks what might be the company's next major project—replacing all of the fuel tanks. Truck Town's fuel tanks currently are fine, he explained, but they won't meet some of the new environmental standards. He estimated replacement costs at $160,000.

"That's money spent on which you get no return." Clearly, getting "a return" is the lifeline of the Rogers family that now goes three generations into Truck Town.

"You can't underestimate the family business," Neil Rogers said, "We deal with a lot of people whose dads used to deal with our dad."●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Timothy Galvin, a member of the staff of Senator KERREY, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from July 12–15, 1992.

The committee has determined that participation by Mr. Galvin in this program, at the expense of the CCE, is in the interest of the Senate and the United States.●

TRIBUTE TO R. CHARLES ZIGROSSER

● Mr. D'AMATO. Mr. President, I am proud to have this opportunity today to pay tribute to R. Charles Zigrosser for the numerous acts of courage and selflessness he has demonstrated while serving on the Bayport Fire Department for over 20 years. However, Mr. Zigrosser's most recent accomplishment deserves special attention as it bears testament to his longstanding reputation as a modern day hero.

On July 10, 1991, while attending the funeral of his mother-in-law, Mr. Zigrosser heard children screaming a short distance from the funeral chapel. Charlie quickly discerned a growing cloud of heavy black smoke emanating from a school bus nearby and immediately rushed to the scene to offer his aid. Releasing four small children from the seatbelts which harnessed them inside the burning vehicle. Charlie bravely saved the lives of helpless school children before the eyes of one trapped child's mother and prevented what would have been a certain tragedy.

A former chief of the Bayport Fire Department, Mr. Zigrosser received the Fireman of the Year Award from the Bayport Fire Department in 1991, as well as in 1981. Charlie has extensive firefighting experience as he is a member and former captain of the Bayport

Fire Department Hook and Ladder Company No. 1 and a charter member of the Bayport Fire Department Rescue Squad. Mr. Zigrosser's credentials include serving as a trustee of the Bayport Fire Department and as the treasurer of the Bayport Fire Department Benevolent Association. He graduated from Bayport High School and earned a degree in criminal justice from Suffolk Community College.

Charlie not only devotes himself to his community and friends, but he is also a dedicated and loving husband to his wife Cheryl, and father to his son Michael and daughter Brittany. Mr. Zigrosser is a member of Our Lady of the Snow Church in Blue Point and a valued participant in the Academy Street School Parent Teacher Association. He is currently employed by the U.S. Post Office in Bayport and a part-time dispatcher for the Bayport Fire District.

Charlie is a cherished, courageous, and intelligent volunteer firefighter, a role model for firefighters across the country. Mr. President, it is with great pride and pleasure that I commend Mr. Zigrosser for his selfless acts of kindness and vigilance.●

CHINA'S BISHOP JOSEPH FAN XUEYAN: THE HUMAN RIGHTS ABUSES CONTINUE

● Mr. LEAHY. Mr. President, I wish to call attention to allegations about persecution of Catholics in the People's Republic of China. Recent reports suggest that the current leadership in Beijing conducts a policy of repression which extends far beyond crushing political opposition; that policy includes attacks on basic human rights which we Americans take for granted, such as freedom of worship.

Let me cite one case in particular: That of Bishop Joseph Fan Xueyan. At 85 years of age, Bishop Fan reportedly died in April, while detained in the Baoding area, from severe beatings, including broken legs and a smashed face.

Mr. President, what kind of government condones such treatment? Is this what the Bush administration meant when it claimed some time ago that its policy had "the best change of changing Chinese behavior?"

The steady flow of reports on Chinese human rights abuses underscores the failure of the Bush policy. In fact, the blatant nature of these abuses suggests that if anything, the administration's approach has encouraged Chinese hardliners.

Those hardliners' defiant attitude becomes clearer with a few other reports of repression of Chinese Catholics.

Bishop Paul Liu Shuhe, sentenced in October 1988 to 3 years of re-education through labor, has still not been heard from by his friends and family. When they asked the Public Security Bureau last December where he was, they were told, "He is kept and provided for by the country. Do not ask any more where he is now."

On April 7, 1989, Bishop Julius Jia Zhiguo was arrested and taken on a "journey" until his release on September 11, at which time he received an order restricting his movements for 3 years. The authorities never charged him with any crime.

On December 11, 1991, Chinese authorities forcibly removed Bishop Li Zhenrong from a hospital in Tianjin, disregarding the fact that the bishop was recovering from a cancer operation which had removed two-thirds of his stomach on November 28.

Mr. President, please note that two of these cases of arbitrary arrest occurred well in advance of the Tiananmen crackdown of June 1989. This tells us that the Chinese Government opposed the idea of human rights long before the crackdown rudely woke us up to that fact.

What does that suggest about how constructive engagement influences the Chinese leadership's behavior? Those who argue for granting a blank-check, unconditional MFN to China, as they did about South Africa and Iraq before, tell us, "Wait. Don't limit trade with China. You'll hurt the average people, not the leadership." Who are they trying to kid? Will a leadership which so haughtily tramples the dignity, the very humanity, of its citizens have any qualms about keeping all the country's luxuries for itself? No matter how many American dollars you pump into China by allowing the trade deficit to continue, you cannot make the case that such leaders will allow any significant portion of those dollars to trickle down to the people.

Mr. President, in light of the growing body of evidence that the Chinese Government has systematically worked to stifle the free will of its people in every aspect of their daily lives, and did so even when Americans cherished a rosy image of reforms in that country, I must urge this body to reject MFN status—or at least unconditional MFN status—for the People's Republic of China.

Furthermore, I call on every Senator to monitor closely the human rights situation in China, and I repeat the request I made in 1989: Let every Member of this body write letters, send telegrams, and publicly denounce human rights abuses in China.●

TRIBUTE TO NEIL S. HACKWORTH, MAYOR OF SHELBYVILLE, KY

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Mayor Neil Hackworth. Mayor Hackworth has been in office for 10 years and in that time has seen Shelbyville's industrial base expand considerably.

Shelbyville has attracted business from all over the Nation and around the world. Some of the international organizations include two Japanese plants making parts for the auto industry and a Swiss company that manufactures packaging. The increase in industry has led to Shelby County having the second lowest unemployment rate in the State.

Predominantly an agricultural area, Shelby County's population has only increased by 2,000 in 20 years. Therefore, one of Mayor Hackworth's leading goals has been to improve Shelbyville in order to make it an attractive area to live.

Mayor Hackworth was one of the founders of Shelby Development Corp. which was designed to encourage business improvements and developments downtown. Additionally, the city began rehabilitating 12 existing homes and building 13 new ones for some of the disadvantaged in the area.

Mr. President, Mayor Hackworth is more than just a mayor, he is an example of a citizen who contributes through his volunteer efforts. Among the many organizations that he shares his time with is Habitat for Humanity, a nonprofit agency that builds housing for those in need. Other organizations which are lucky enough to have the considerable talents of Mayor Hackworth are: Kentucky League of Cities—he served a 1-year term as president—Kentuckiana Regional Planning and Development Agency, Metro United Way, Greater Louisville, Economic Development Partnership, Goals for Greater Louisville, and an elder at the First Christian Church.

Mr. President, I ask my colleagues to join me in saluting this outstanding Kentuckian. In addition, I ask that the following article from Business First be included in the RECORD.

The article follows:

HACKWORTH USES LOW-KEY STYLE IN BOOSTING SHELBYVILLE

(By Eric Benmour)

What's the worst thing Sharon Hackworth can think to say about her husband, Shelbyville Mayor Neil S. Hackworth?

She can look around their house and see chores that need to be done. "I want it done today," says the school teacher. "He'll look at it and say, 'It'll be there tomorrow.' He'll get it done."

Hackworth, 44, is "kind of quiet," says Sue Carole Perry, the county clerk who also serves with Hackworth on the Kentucky Association of Counties/Kentucky League of Cities Workers' Compensation Board.

"He sits back and smiles at everybody."

Hackworth is not a Type-A personality, which can be important for a mayor, who sometimes has to take unpopular stands, be it on implementing a new tax or putting in a new stop sign.

Hackworth has weathered any and all difficult positions he's taken since he took office in 1982. (Shelbyville has no term limits for mayors.)

"He never has opposition," Perry says.

Hackworth's accomplishments include working on downtown and economic develop-

ment issues, and improving housing for a poor section of town.

During his years in office, Shelbyville's name has popped up in many a news story—both in the local and national press—about a new company moving to the area.

The city's employers include two Japanese plants making parts for the auto industry and a Swiss company that makes packaging. Another large employer, the Budd Co., which makes auto stamping and sheet metal assemblies, is actually located in Shelby County.

As a result of all that industry, in April, Shelby County had the second-lowest unemployment rate in the state—2.7 percent.

The city's population has hardly exploded, however. The figure was 4,182 in 1970 and was 6,238 in 1990. Instead, workers are coming from surrounding counties, causing additional traffic in the city.

A road to divert traffic away from downtown was opened late last year, and Hackworth says the city needs another alternative route.

But, he says, the risk is that such a route could take too much traffic away from downtown and its businesses.

Shelby is predominantly an agricultural county, and Hackworth says he's heard from some people who would like economic development to slow down, but he says he'd like to see a "little more" to help with the city's occupational tax.

Hackworth is an ex-offico member of the Shelby Industrial Development Foundation, which recruits industry into the area. He says the recession slowed down the foundation's economic-development efforts.

The mayor says economic-development officials are looking at companies that employ 100 to 300. They are also trying to encourage more research-oriented businesses to create more white-collar jobs, Hackworth says.

While the population hasn't grown much during his tenure, he says the job continually takes up more of his time, from "a couple of hours a day to considerable time."

The mayor's post is classified as a part-time position having a salary of $24,000.

Hackworth said he averages 25 to 30 hours a week on the job. Hackworth, a lawyer by training who graduated from the University of Kentucky College of Law in 1973, also runs an insurance agency in Shelbyville.

He gave up his law practice the same year he was elected to take over the family insurance business.

The Democrat says he probably averaged 10 hours a week or less as mayor when he was first elected. Hackworth says the increased hours running the city come from economic growth, plus more responsibility has been placed on local governments over the years. Also, as a city does more, there is more to oversee, he says.

For example, Hackworth says his priorities when taking office were on downtown development and housing issues.

"From my standpoint, initially, at least, my hardest efforts went into what to do with the downtown," Hackworth says. "We were seeing a transition, as all small communities have," when downtown department stores closed.

In 1985, he was one of three founders establishing the Shelby Development Corp., which was designed to encourage business improvements and developments downtown. The non-profit group also undertook a planning process for the city called Shelbyville 2000.

The city is rehabilitating 12 existing homes and building 13 new ones for the poor in the Martinsville neighborhood.

Hackworth says a lot of elderly people had seen their community deteriorate and given the stigma of being "that place over there." Hackworth's goal is to give the residents safe, clean homes and make them feel better about their community.

One activity close to Hackworth's heart is Habitat for Humanity, a non-profit agency that builds housing for people in need. The group built its first Shelbyville home in 1991 and hopes to build two more in 1992.

"He said to me he felt that was what Christianity was all about," says Mary Ellen Hackworth, his mother.

In addition to his responsibilities as mayor, Hackworth has also devoted a great deal of time to the Kentucky League of Cities. He was president of the association from July 1, 1991, to June 30, 1992.

He's a board member of the Kentuckiana Regional Planning and Development Agency, has been involved with fund-raising for the Metro United Way, is a board member and executive committee member of the Greater Louisville Economic Development Partnership, is a member of the Goals for Greater Louisville, and is an elder at the First Christian Church.

Hackworth says none of the community activities, such as Habitat for Humanity, is required to be mayor. But during his term, the federal government cut back on what activities would be supported on the local level.

Hackworth says the city had about $600,000 in its budget when he started his first term as mayor, but $100,000 of that was federal revenue-sharing money.

In April 1986 the city council approved an occupational tax of 1 percent on all wage earners in the city.

"I'm in business," says Hackworth, who owns Armstrong Insurance Agency along with his mother. "I knew what that means."

Yet without the tax, he says, he also knew Shelbyville would be in dire straights today because one-quarter of the city's $2 million budget is funded by the occupational tax.

"It pays a lot of the bills," Hackworth says.

Hackworth says he's able to make the tough decisions by weighing the needs of the community against the interests of a few. He says if he's lost any friends over any decisions he's made as mayor, "They really weren't friends anyway."

Bobbie Brenner, Shelbyville's clerk-administrator, says of her boss: "I think he really has a love for this community."

Since the occupational tax was approved, Hackworth has been re-elected.

Hackworth's decision to be mayor stems from an interest in his community that he learned from his father, James.

James Hackworth, who died in 1977, served on the water board and chamber of commerce, and headed fund drives.

"He (James) always insisted we buy from local community people as far as we could," says Neil's mother. "He was interested in every project of the community."

That may stem from the fact James Hackworth worked for the Armstrong Insurance Agency during the Depression and was grateful to his neighbors for helping him through the tough times.

James Hackworth purchased the agency in the early to mid-'60's, Neil Hackworth says.

Neil says his mother also influenced him.

"She was always one who shared a great concern for folks who weren't as well off as the rest of us," Neil Hackworth says. "That's where I learned some of those values."

After James Hackworth died, ownership of the agency passed to his wife and an employee.

In the early 1980s, Hackworth decided to branch out from law and thought it would be a good move to learn about the insurance business.

In 1982, the man running the insurance agency died and there was no management left. Hackworth's two brothers lived out of the area.

"I all of a sudden became manager," Hackworth says. "Also, it was the same year I became mayor. So you can imagine I had a plateful that year."

He gave up his law practice, deciding something had to give.

When asked why he decided to run for mayor, Hackworth says. "I never thought I'd be mayor 10½ years. Some days I wonder now if I want to be mayor. When I got out of law school I went and talked to Wilson Wyatt (former Louisville mayor and partner in Wyatt, Tarrant & Combs, a Louisville law firm) and Mr. Wyatt suggested rather than employing me, that I should go back to my hometown at some point in time and get involved in politics.

"I never took him at his word initially."

He says he didn't think about politics until he ran for mayor. In 1982, Mayor Marshall Long, was elected to Kentucky House of Representatives.

"Marshall had been, I think, a progressive-type person who had tried to get some things accomplished," Hackworth says. "I thought the community needed to have that kind of outlook, and the other folks who had expressed interest in the job, I thought, were more likely to hold things the way they were.

"I was pretty naive as to what I could do and couldn't do. I didn't really understand what the job involved; I don't think anyone who ever gets involved in running for a public office does."

His decision to run took his mother by surprise. After all, he was only 32.

"I thought it was for an older man," she says.

But he's done well, she says, because, among other reasons, he follows through whatever he starts.

Neil's wife was also a little taken aback at first.

"He was young and we had a young family" with a 1-year-old and a 6-year-old, she says.

Sharon Hackworth says a group of friends were at get-together shortly before Neil decided to run for mayor. They were all about the same age and several were running for various offices.

Someone suggested Hackworth run for mayor. He laughed it off at first, Sharon Hackworth says. Still, the friends persisted.

Hackworth, whose term ends in 1993, says he hasn't decided if he will run again for his fourth term.

"I haven't made a final decision," he says.

His wife says she doesn't know either.

"He does not have an agenda," she says.

Hackworth says he doesn't aspire to run for higher political office.

"I like doing things for my community," he says. "I like doing things for people. I don't know. I think given today's attitude toward politics and politicians, I'm not sure it's where I want to spend my energy and efforts.

"At this point, I'm not certain what my future might hold. I would like to look into the possibility of other opportunities that might be out there. I don't want to limit my choices. I don't see it necessarily being an elective-type situation.

Despite the time he devotes to his job and civic activities, Hackworth has kept a good

balance between work, family and church, says Dr. Paul Schmidt, a psychologist with offices in Shelbyville and Louisville and a longtime friend.

Schmidt says Hackworth believes there are some things he can't control and he doesn't worry about them.

Sharon Hackworth says she and her husband "work as a team." The family frequently joins him for meetings that are out of the country.

One time she drove him to Harlan Community College where he was to give a speech.

"He was writing his speech as I drove," she says.

He also takes time with his family. Two years ago he went with his son on a church mission to Jamaica.

Hackworth's mother says she thinks her son hasn't gotten burned out on all his commitments because, "he's very calm and level headed."

He realizes he can't please everyone and "he doesn't let it worry him too much," Mary Ellen says.

Sharon Hackworth believes the ability to listen to both sides stems from his level training.

At one heated council meeting. Hackworth thanked the people for coming, in spite of negative comments about something being discussed.

"People can't stay mad at that," Sharon Hackworth says. "He's real open to discussion. He realizes that not everybody's going to agree. I've never seen him get angry in public. I've seen him be firm. With Neil, you know when you've stepped over the bounds without him saying anything. He never really has to raise his voice. There's something about his presence.

Neil Hackworth said he does remind himself that when people criticize a community project he needs to be open-minded and not take it personally.

From time to time, Neil, his wife and children—Will, 17, and Melissa, 13—get away from town for a couple of nights.

Another key to Neil Hackworth's success has been his desire to do well at many different things, Mary Ellen says.

"He taught himself to play the guitar," she says. "He's pretty competitive. He wants to succeed and he tries hard to do that."

His competitive nature shows up on the golf course, says Mayor John W.D. Bowling of Danville, who served as first vice president during Hackworth's term as president of the Kentucky League of Cities.

"He and I go at each other tooth and nail," he says.

Bowling gives Hackworth credit for looking "down the road". He mentioned, for example, the city of Shelbyville's purchase of the Undulata Golf Course earlier this year.

Many cities would consider such a move but never do it, Bowling says.●

STATE FAIR PARK CENTENNIAL

● Mr. KASTEN. Mr. President, I rise today to commemorate an important Wisconsin anniversary. This year, the Wisconsin State Fair is celebrating its 100th anniversary at its current location in Milwaukee County.

For four decades, practically since Wisconsin became a State, the State fair had been nomadic—since 1892, the Wisconsin Agriculture Society purchased a new, permanent location in what was then the southernmost portion of Wauwatosa.

Throughout its history, the Wisconsin State Fair Park has had tremendous economic and social significance while educating and entertaining. It has served as a forum to teach farm and city people on improved methods of food production, nutrition, and hygiene.

Over the years, the park has welcomed famous visitors including President Taft, Henry Ford, Col. Theodore Roosevelt, son of the former President, and Lucy Baines Johnson.

The Wisconsin State Fair Park is now the No. 1 tourist attraction in the State. Every year, 2 million visitors enjoy its more than 150 events. And this year will be especially exciting, as the State Fair Park celebrates its centennial year by helping the public understand what life was like in 1892 including a salute to other 100-year-old organizations: Mandel Printing, the YWCA of Milwaukee, Mutual Savings Bank, the Milwaukee County Zoo, and the village of Menomonee Falls.

I ask my colleagues to join me in sending our compliments to everyone involved in making the State Fair Park such a successful attraction—and and I invite America to visit the pride of Wisconsin, the Wisconsin State Fair.●

THE TRUTH ABOUT STEEL—PART II

● Mr. ROCKEFELLER. Mr. President, apparently undeterred by the filing of more than 80 antidumping and subsidy cases by the American steel industry, the Italian subsidy machine has struck again. A recent article in the Journal of Commerce reveals that the European Community Commission has begun an investigation into $577 million in subsidies that the Italian Government is paying Ilva, its State-owned steel company.

I suppose it is noteworthy that the EC Commission is actually investigating, it has not always been so diligent with the more than $50 billion in subsidies European governments have paid out over the last 15 years. Even so, this episode reminds us once again that the more things change, the more they stay the same. Ilva continues to lose money—$435 million last year—and the Italian Government continues to bail them out, in defiance of all economic logic and fiscal common sense.

As a result, overcapacity in Europe continues to grow, even in the midst of increasing low-priced competition from the United States, Korea, and other efficient countries as well as nearby Eastern European producers desperately looking for export opportunities for their troubled steel plants.

That's not good for the new market-oriented Eastern European economies, for the competitive producers like ours who have to bear the cost of European inefficiency through dumped and subsidized imports, and ultimately it's not good for the Community either.

Since the domestic steel industry filed its cases on June 30, there has been considerable discussion in the media over the industry's tactics and motives. Largely absent from that discussion have been suggestions that the cases lack merit. It is very hard for anyone who knows anything about world steel trade to deny that numerous companies continue to benefit from subsidies and that massive dumping is occurring. This news from Italy serves to dramatize that truth.

Mr. President, I ask that the text of the article I referred to be printed at this point in the RECORD.

The article follows:

EC PROBES STATE AID TO ITALIAN STEELMAKER

(By Bruce Barnard)

BRUSSELS, BELGIUM.—The European Community Commission Wednesday launched an investigation into US$577 million in state subsidies for Ilva, Italy's state-owned steel company.

The Italian government has two to three months to convince the commission that its aid package will not distort competition in the EC steel market.

If its appeal fails, Ilva, Europe's third-largest steelmaker, will have to repay the $277 million capital injection it received from the government last September to take over Sofin, a state agency which promotes economic growth in southern Italy.

The commission is expected to adopt a tough stance toward Ilva because of rising overcapacity in the European steel industry at a time of increased competition from low-cost Eastern European and Third World producers.

Ilva's case was seriously weakened last month when it announced a 1991 loss of 498 billion lire ($435 million). This ruled out the possibility of a stock issue which was intended to raise $650 million and formed a key part of Ilva's argument for the state aid package.

Italian bourse rules require three consecutive years of profit before a company can go public.

The commission said it is doubtful private investors would inject money into Ilva in these circumstances.

Meanwhile, Ilva is looking for European partners to help it weather the current slump in the industry. It also has signed an agreement with Nisshin Steel, Japan's sixth-largest steel company, to produce steel pipes for car exhausts at one of its plants in central Italy.

The commission is being pressed by private steel companies in Britain and Germany to curb government subsidies to their state-owned rivals.●

HATE CRIMES AGAINST GAYS CONTINUE TO INCREASE

● Mr. SIMON. Mr. President, I would again like to bring to the Senate's attention the nationwide increase in hate crimes. It is crucial that the citizens of this country understand that this kind of behavior does not, unfortunately, belong to another era. Nor is it restricted to particular regions of the country or certain kinds of communities. It is so

divisive for this country because it is still so universal. It is so insidious because it is still tolerated. We must put an end to it by labeling it as criminal activity motivated by hatred alone, by identifying it, by discussing how pervasive it is, by furthering legislation to stop it. This is essential to the safety of individual citizens as it is to the health of the Nation as a whole.

Today, I would like to direct your attention to an article published in the June issue of the American Medical Association Journal. According to the article, while attacks on gays and lesbians seem to be increasing, much of this kind of violence is never reported to the authorities. Gays and lesbians are often silenced by society's assumptions that they are heterosexual, by society's fear of the AIDS virus, and by their own fear of revictimization by the police if they report acts of violence against them.

Gay-bashing, physical assaults motivated by prejudice against homosexual persons, increased by 15 percent in 1991, according to reports on a total of 755 such incidents collected from community groups in 5 cities—Boston, Chicago, New York, Minneapolis-St. Paul, and San Francisco—by the National Gay and Lesbian Task Force. This rise in violence is rendered even more serious by the attitudes of some doctors and police officers who seem to be unaware of this issue. According to the following American Medical Association article, physicians often assume their patients are heterosexual, or may convey an insensitivity that will make victims of antigay violence less likely to reveal their sexual orientation.

The questions of why gay-bashing occurs and who perpetrates these violent crimes are confusing and unresolved. The AMA article indicates that there seems to be a consensus among experts in psychiatry that the causes of this kind of behavior are at least somewhat rooted in our society's value system and conception of gender roles. One expert said that many people perceive that aspects of antigay and antilesbian violence are legitimized by failure to prohibit discrimination against homosexuals and by failure of the courts to respond to the violence in a way which clearly signifies that it is wrong.

We must do what we can to raise awareness and educate people to appreciate the diversity of our Nation. While it is up to the courts to punish the perpetrators of hate crimes, it is up to us to remedy the ignorance and stigma that give rise to it.

Mr. President, I ask that the full text of the Journal of the American Medical Association be included in the RECORD following my remarks.

The article follows:

[From the Journal of the American Medical Association, June 10, 1992]

ATTACKS ON HOMOSEXUAL PERSONS MAY BE INCREASING, BUT MANY "BASHINGS" STILL AREN'T REPORTED TO POLICE

Trauma surgeon Sheldon B. Maltz, MD, says he had never even heard of antigay violence before the 12 hours it took to save Ron Cayot's life.

Three young men had jumped out of a passing car, shouting slurs at Cayot and a friend who were walking down the street in a neighborhood known for its large gay and lesbian population. There was arguing, then there were gunshots.

One bullet went into Cayot's neck, requiring reconstruction of the larynx with tissue from his clavicle. Another went into Cayot's back, through his colon, liver, and intestines, and out his abdomen, says Maltz, a critical care specialist at Illinois Masonic Medical Center, Chicago.

Two states away, Paul Carson, MD, says he "couldn't conceive of anybody doing" what his patient claims to have done. The patient, a married heterosexual truck driver, insists that his only risk for acquiring his human immunodeficiency virus (HIV) infection was cuts on his hands during the many bloody beatings he and friends systematically inflicted on randomly selected gay men over several years, "too many times to count."

"It was sort of a diversion, entertainment with friends, and they [gay men] were easy targets, was the way he talked about it," says Carson, an infectious disease fellow at the University of Minnesota, Minneapolis.

"Gay-bashing," physical assaults motivated by prejudice against homosexual persons, increased by 15% in 1991, according to reports on a total of 755 such incidents collected from community groups in five cities—Boston, Chicago, New York, Minneapolis-St. Paul, and San Francisco—by the National Gay and Lesbian Task Force. Its report says that, given the geographic diversity of those cities, "it is likely that other US urban areas, and perhaps suburban and rural communities as well, are experiencing a similar upswing."

"VERY GRATUITOUS" VIOLENCE

"In our experience, the violence is very gratuitous, and seems to be inexplicable in terms of the number of bruises on the body," says Matt Foreman, executive director of the New York City Gay and Lesbian Anti-Violence Project. Guns, even knives, are not usually the weapons of choice, but rather crowbars, clubs, and chains, he says.

"There is a lot more injury than would happen with a regular robbery" or mugging, Foreman says, adding: "With such a high level of violence, you'd almost automatically assume the guy must have asked for it, or must have been involved in some sort of real fight." But while the violence is very real, the fights tend to be anything but fair, with attackers almost always armed, outnumbering their victims, and taking them by surprise.

While some of the recently reported increase is likely due to better data collection, most such assaults still go unreported, according to groups across the country that are trying to confront the problem.

Victims are often unwilling to report the nature of the attack to police, in part because police themselves are said to sometimes verbally and physically assault gay men and lesbians. There were 146 such cases of abuse by police reported to the National Gay and Lesbian Task Force a 29% increase, in 1991.

PHYSICIANS NOT AWARE

Foreman says physicians sometimes may not believe patients who say they have been "gay-bashed," not necessarily because of prejudice against homosexuals, but because "we're always looking for rational reasons."

Physicians who treat these victims are often not told how the injuries occurred because the patient fears "secondary victimization," says Gregory M. Herek, PhD, a psychology professor at the University of California, Davis.

"Physicians frequently assume that their patients are heterosexual" unless specifically told otherwise, says Herek. Physicians may also convey an insensitivity that will make victims of antigay violence less likely to reveal their sexual orientation, he says.

Gay and lesbian patients may worry that physicians will "treat them badly" because they are homosexual "or that this might get on their medical chart, which could have a lot of negative implications for them in the future," as employment and other forms of discrimination against gay men and lesbians are legal in more than 40 states. "If something shows up in the newspaper identifying them as the target of a gay attack, that can set them up for a lot of other harassment and discrimination from other people that has nothing at all to do with the original assault," says Herek.

For these reasons, some physicians advise against automatically encouraging victims to go to the police. In Michigan, Terry S. Stein, MD, says some of his own patients have been abused by police, and feels that filing a police report may be "unwise unless there is some assurance that the police are not going to victimize them again."

Physicians "need to be sensitive to the potential trauma and fear that a gay or lesbian person is experiencing, and not simply encourage them to report this without some thoughtful working through of what the outcome would be," says Stein, a professor of psychiatry at the Michigan State University College of Human Medicine, East Lansing.

However, not reporting these crimes "perpetuates the silence that has so long supported violence against lesbians and gay men," says Bill Dineen, a vice president of the Pink Angels Antiviolence Project, a volunteer group that patrols the neighborhood where Cayot was shot. "As far as the police department is concerned, if a crime doesn't get reported it didn't happen, and nothing gets done about it."

Dineen adds that police in the district patrolled by the Pink Angels are now very "committed to following up on the information we give them." The same is beginning to be true in many areas where community groups have worked with police.

Pierre Ludington, MD, president of the gay-oriented American Association of Physicians for Human Rights in San Francisco, says that, "in this city, the police are very sensitive to it, and will chase perpetrators down as quickly as they chase perpetrators of anything down."

SEXUAL ASSAULTS NOT BELIEVED

Herek says physicians tend to be especially insensitive to gay men and lesbians in cases of sexual assault.

"There's an unwillingness to believe that a man, especially a gay man, can be sexually assaulted," Herek says. Physicians often "act as though this is something the victim brought on himself."

Herek says that, "in reality, in a great many cases of male/male sexual assault, it is heterosexual males who use sexual assault as just another way of degrading their victim.

It really drives home the idea that rape is a crime of violence instead of passion when you see it being perpetrated by heterosexual men against gay men."

Lesbian victims of sexual assault often are asked questions in the emergency department "that tend to assume that they are heterosexual," with disapproval and disbelief when the woman says she is not on any form of birth control, says Herek. When a rape is a lesbian's first sexual contact of any kind with a man, it "can create a lot of psychological problems beyond what other women who have been raped would face," he adds.

CAUSES DEEP-SEATED, UNDERSTUDIED

The questions of who perpetrates these violent acts and why, and why they seem to be increasing, have not been studied in a rigorous way. Rochelle Klinger, MD, professor of psychiatry at the Medical College of Virginia, Richmond, and member of the American Psychiatric Association Committee on Gay, Lesbian and Bisexual Issues, says she had trouble finding anything directly on antigay violence in the psychiatric literature during a recent search. Most information is in anecdotal accounts in the lay press, with some in academic articles on the more general issue of homophobia, she says.

"There is a lot of research about the stigmatization process in which society condones homophobia. That is the first step," says Klinger. "Then certain individuals take that to the furthest step, which is to actually be violent against gay men and lesbians."

Michigan State's Stein says causes are "rooted in both individual and societal prejudice. Many people perceive that aspects of antigay and antilesbian violence are "legitimized" by failure to prohibit discrimination against homosexuals and by failure of the courts to respond to the violence "in a way that gives a clear message that it is wrong."

"There isn't the same kind of moral outrage that is attached to racial and anti-Semitic violence," says Foreman. "As society increasingly condemns other forms of hate-motivated violence, it usually doesn't condemn antigay violence" to the same degree.

In 1991, for example, of nearly 600 cases followed through the courts by the New York antiviolence group, only two resulted in convictions. The lack of or weak official condemnation by the courts, schools, churches, and news media "keep this going," says Foreman.

WINDOW OF ACCEPTABILITY

"That's part of the explanation for the rise in antigay violence. There is still this window of acceptability," says Foreman.

There are attempts to close that window. Several state and local jurisdictions have included sexual orientation in laws mandating stiffer penalties for hate crimes (although some have explicitly excluded it).

A similar bill has been introduced in Congress. The 1990 federal Hate Crimes Statistics Act directs the Federal Bureau of Investigation (FBI) to collect data on sexual orientation and other bias-related crimes.

Only 26 states are submitting data so far. But the FBI hopes to publish its first report this fall, says Uniform Crime Reports instructor Bernie Dryden.

Perpetrator motives "are something we'd have a hard time understanding," says Carson, who found it "very hard to talk about" the violence his HIV-positive patient said he had committed. "A couple times in my office afterwards, he was crying about this stuff. I don't know if it was because of remorse or the realization of how he looked to other people."

One theory is that perpetrators may perceive themselves as enforcing society's gender rules or as defending their own masculine identity, says Foreman, noting that attacks often occur in the presence of such persons' female friends.

(Carson says his patient was "very upset" at the implication in some press accounts that latent homosexuality might have been behind his behavior.)

PERPETRATORS "DIFFERENT"

Those who carry out antigay violence are "different from normal perpetrators of violent crime," says Foreman, more often being middle class, able to afford their own attorneys, and looked at leniently by judges because they seldom have prior records.

Herek says some attackers are motivated by "deep-seated hostility or hatred," but many seem to participate because of more situational influences, like peer pressure.

A "classic pattern for violence against lesbians and gay men on the street is a group of late adolescent or young adult males, one of whom perhaps has strong feelings of wanting to go out and beat up some 'fags' or 'queers,' and that person cajoles the other members of the group. There is a feeling of a need to prove themselves to their friends, and so they go along with it," says Herek. "Perhaps they would not have initiated it themselves, but obviously they don't have strong feelings against it or they wouldn't have gone along with it."

Herek says that, unlike racially motivated attacks, which are more likely when the victim inadvertently wanders into the wrong neighborhood, perpetrators of antigay attacks go to gay areas seeking out victims. "That implies some sort of predisposition or premeditation, but it seems frequently that that may be the motive of just one or a couple members of the group, and the others are along for the ride."

The widespread belief that gay men especially are "not formidable foes" may also be a factor, he says, although "it's interesting that the perpetrators usually don't take any chances. They usually outnumber the victim and often carry weapons. There's no chance of a fair fight occurring."

That might also partly explain the increase of physical assaults, as gay men and lesbians are increasingly visible and may be increasingly likely to confront harassment. Dineen says that Ron Cayot's verbal response to a verbal assault "is indicative of where our community is. No, we are not acceptable targets and, no, we are not going to sit idly by and allow you to demean us or try to limit our expression or our sense of dignity and confidence just because you're uncomfortable with it."

Whether expressing that sentiment in verbal confrontation with someone hurling insults on the street is a good idea "depends on whether or not they have a gun," says Dineen, suggesting that a safer alternative is to step back, take a full description of the perpetrators and report it to police and antiviolence community groups.

PREVENTION IN PHYSICIAN'S OFFICE

Foreman says physicians may be able to play an important role in preventing antigay violence.

Adolescents account for 80% of all attacks, according to New York Police Department's data. "Many are coming to grips with their own sexuality—not to say that gay-bashers are in fact gay, but that there are sexual identity issues that they act out" to prove that they are not gay or that they are a "real man."

"If physicians working with adolescents when sexuality issues come up would say that being gay is nothing bad or abnormal to be condemned or cured, that would be a big help," says Foreman.

Carson acknowledges that he can never prove that his patient acquired his HIV infection via gay-bashing. While there "clearly are some documented cases where trauma from infected blood seemed to transmit the virus," Carson says he doubts that it is "a real significant risk"

Yet he reported the case in a letter to the *Lancet* (1991;337:731) because "if anything will give pause to people maybe doing that sort of violence, it was worth it."—by Paul Cotton•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Brett N. Francis, a member of the staff of Senator HATCH, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 15 to 30, 1992.

The committee has determined that participation by Mr. Francis in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.•

CALLING ON RUSSIA TO RELINQUISH ITS CLAIMS TO CRIMEA

• Mr. D'AMATO. Mr. President, I rise today to oppose the recent claims of Russia to the Crimea.

With President Yeltsin's visit to Washington, the United States celebrated the birth of a new era of relations with Russia and the countries of the CIS. Yet in the wake of these monumental events, the United States must not overlook the current territorial dispute between Russia and Ukraine over the Crimea. In laying claim to Crimea, a region in southern Ukraine, Russia is breaking its pledge to recognize the inviolability of national borders guaranteed by the Helsinki accords.

The Crimea has been recognized as a part of Ukraine since its transfer in 1954 and has always been formally accepted as such by the Russian Government. In bilateral treaties signed by President Yeltsin himself, Russia has

acknowledged Ukraine as an independent nation and committed itself to honor the rights associated therein. Consequently, the Russian claim to Crimea constitutes a challenge to the sovereignty of Ukraine and expresses a disregard for the rights of statehood. In a region where numerous republics have recently gained statehood, such actions present a destabilizing influence.

As an act of good will during this momentous period of international accord, Russia should promote peaceful relations among the countries of the former Soviet Union. Just as Russia should remove its troops from the Baltic countries, it should relinquish its claim to Crimea and act to further the cause of freedom which its own citizens broke the yoke of communism to obtain.●

DEMOCRATIC HISPANIC TASK FORCE FIELD HEARING

● Mr. SIMON. Mr. President, last May in my home State of Illinois, I chaired a field hearing of the Senate Democratic Hispanic Task Force on Issues Facing the Hispanic Family: Education, Employment, and Health Care. Yesterday, I included the first of five sections of testimony from this hearing in the RECORD. Today, I ask that the second section of testimony be printed in the RECORD at this point.

The material follows:

TESTIMONY OF ADELA CORONADO-GREELEY, TEACHER, INTER-AMERICAN MAGNET SCHOOL, CHICAGO, IL

Honorable Senator Simon, I wish to thank you for the opportunity to testify at this public forum and hearing on critical issues facing the Hispanic community. My participation will address the educational issues of Federal concern to this community.

I would like to begin my testimony by affirming that the Hispanic community is very much interested in the education of its children. When school based management was mandated for the Chicago Public Schools in 1989, the Hispanic community responded wholeheartedly. At that time 27 percent of the Chicago Public School's population was Hispanic, and 19 percent of parents voting were Hispanic. This is the closest we have come to parity within the Chicago Public School System. There are many success stories of reform implementation within our community, but I would like to highlight three to demonstrate the use made by this community of the two principal powers given local schools through school reform: selection of the principal and use of the discretionary funds that follow the lower income students, $275.00 of State Chapter I funds per child. Spry Elementary School with a population of close to 1,500 students, 96 percent of whom are Hispanic, after great controversy and hardship, selected a new principal. He has lifted the morale of the entire school and has united with other schools in the area to form a cluster of schools with similar needs and goals thus meeting the educational needs of their students. Orozco Academy opted to pioneer a gifted program for limited English Proficient Spanish Speaking students. It is one of only 6 such schools in the United States. Parents and teachers at Inter-American Magnet school chose to use their State Chapter I funds to lower class size so that all classrooms now have a maximum of 22 students. School Reform is reaching students and teachers in the classroom. The Hispanic community does care about the education of their children. Children are its main priority and therefore education is their main priority.

Most of the individual schools are doing all they can to educate each child for the 21st century. The obstacles, and constraints, in large part come from local, State and Federal lack of vision and support. Throughout the entire United States, who has the greatest dropout rate? I am sure you know it is the Hispanic community. This is true also here in Chicago. The Hispanic drop out rate is documented at 45%, however, Clement High School and Juarez High School, the two High Schools with the greatest Hispanic populations, report a 70 percent drop out rate. That is totally unacceptable and disgraceful for a Nation of Immigrants; for the Nation who is the leader of the industrial world.

Let it not be said or even thought that this is so because the Hispanic community does not value education. In Chicago we have proven this to be a damning stereotype—an easy escape. "It is their fault." The Hispanic community cares about the education of its children.

Then, why do our students drop out? I believe the answer lies in the educational issues concerning the Hispanic community * * * the subject of these hearings.

Overcrowding: The vast majority of the overcrowded schools in Chicago are in the Hispanic Community. There are up to 50 students in one classroom * * * 50 kindergarteners! Where else does this happen? I dare say not even in underdeveloped countries. Our students are taught in old, deteriorating, mice-infested, urine-smelling mobile units. Of mobile units in the Chicago School system, are in the Hispanic community. Our children are taught in hallways, closets, cafeterias (even while lunch is being served) washrooms, auditoriums, stages. They are literally being taught anywhere. Why do we have the highest drop out rate?

Gangs and violence: I don't exaggerate when I say that most of our children are prisoners. They are not free. They are not free to go to another school that may be underutilized because they are in danger of gang violence on the way or upon arrival. They are not free within their own schools because of gang recruitment. They are not free within their own homes because leaving their home to play, to hang out and be with friends or even to go to the library may place them in gang cross fire. And we ask, "Why do we have the highest drop out rate?"

The lowest reading and math scores: There are countless studies on the effectiveness of bilingual education and the importance of maintaining the home language. Yet, there still are schools here in Chicago who refuse to implement bilingual education and return to the State hundreds of thousands of dollars that belong to the bilingual child to assist his education. Still other bilingual students are exited from the program before they have a solid basis in their home language. This obliterates a viable transition to the English language and creates what we so often see * * * the semilingual students who master neither Spanish nor English. Yet other students are taught their bilingual classes by teachers who do not master the English Language. And, because of a State law, English dominant teachers cannot teach L.E.P. students English unless they have TESOL or Bilingual endorsement. Perhaps the following reality is the greatest obstacle of all. Because of their accent, many of our bilingual teachers are treated as second class citizens in the schools. If this is true of the teachers, how then are the students treated? In many ways, many of our students are constantly told, your language, your culture is of no value. Success is impossible without a positive self image. Why do we have the highest drop out rates?

Early Childhood Education: Since the inception of the Headstart Programs in the 1960's, early childhood education has been studied and proclaimed successful in the overall education of lower-income families. The most recent census shows that the fastest growing segment of the three and four year old population in Chicago is composed of children of Hispanic background. Nevertheless, in a printout prepared by the Department of Research, Evaluation and Planning, January, 1991, only 372 three and four year olds are identified as coming from Spanish speaking homes out of a total enrollment of over 20,000 three and four year olds in early childhood programs. One out of every 11 students in grades K through 12 has been identified as Limited English Proficient from a Spanish speaking language background. Yet only one out of every 38 three and four year olds has been identified as coming from a Spanish speaking language background! Do these figures indicate simply that Board policy was not implemented to identify the true number of Spanish speaking three and four year olds? If we were to possess accurate statistics, would they indicate that Hispanic children are enrolled in preschool at the same proportion or greater as they are systemwide which is 28.1% throughout the system and 28.9% at the elementary level before the drop out tragedy begins. Our three and four year olds are being underserved blatantly and no one is monitoring. Of the 372 that are being served, what percentage is being taught in their home language? In a National Association of Bilingual Educators Study on Families dated January 1991, researchers found evidence of "serious disruptions of family relations occurring when young children learn English in school and lose the use of the home language." Jim Cummins, a noted authority on bilingual education tells the following story: "The family's quiet was partly due to the fact that, as we children learned more and more English, we shared fewer and fewer words with our parents. Sentences needed to be spoken slowly when a child addressed his mother or father. (Often the parent wouldn't understand.) The child would need to repeat himself. (Still the parent misunderstood.) The young voice, frustrated, would end up saying, 'Never mind'—the subject was closed. Dinners would be noisy with the clinking of knives and forks against dishes."

We are indignant that only 372 Hispanic three and four year olds were identified in early childhood programs within the Chicago Public Schools as of January, 1991 and that "Most Spanish-speaking three and four year olds are receiving bilingual education IF the teacher and/or assistant speak Spanish." The question continues, why do we have the highest drop out rate?

These are some of the educational issues of concern to the Hispanic Community. It appears that the educational system for minorities, Hispanics in particular in this instance, has been set up for failure. It is true that the education of America's children is

the responsibility of each State but as Illinois Senators I believe you have a responsibility to the Hispanic students of Chicago. It is your responsibility to see that the obstacles and constraints be eliminated. The obstacles of overcrowding, of gangs and violence. The obstacles and constraints to effective Bilingual Education, to early childhood education so that each child has an equal opportunity, equal to that of the students of Wilmette and Flossmoor, to graduate from High School and go on to college, and be a contributing member and leader of his community and the Country as a whole.

Because of School Reform, because of its diversity, Chicago is the ideal city in which the Federal Government can implement a model City school system. Take on the challenge and lead the effort on behalf of the students of Chicago and the Country.

I would like to close by reiterating that the Hispanic community cares about the education of their children. School Reform in Chicago has proven that. What is more, the citizens of Chicago have embraced their students through School Reform and I believe that if Chicago did not respond violently to the events in Los Angeles last week, it is in part because of School Reform. Students, parents and community are working together to improve their schools. There is a grassroots movement through school based management that has unified, linked, the entire City. Senators, Chicago is the city in which to implement a model Federal school system and I urge you to sponsor this effort on behalf of the students of the Chicago Public Schools.

TESTIMONY OF REBECCA ALVIN PAREDES, BEFORE U.S. SENATE DEMOCRATIC HISPANIC TASK FORCE

Senator Simon, members of the U.S. Senate Democratic Hispanic Task Force, I thank you for the opportunity to provide testimony this morning regarding the education, employment and economic development issues of concern to the Hispanic community. Clearly these are and should remain critical to the interest of the federal government. Hence, I would like to offer the following information and comments with respect to the Hispanic community at large, and about the status of Hispanic women in particular.

Hispanics are one of the largest and fastest growing minority groups in the United States, but their participation in higher education is significantly lower than their proportion of the college age population (680,000 were enrolled in higher education in 1988). Hispanic demographic trends indicate that Hispanics will become a larger part of the work force in the near future. The age data from the March 1991 Current Population Reports shows the Hispanic origin population to be younger that the non-Hispanic population. About 30 percent of Hispanics were under 15 years of age, for example, compared to 22 percent of non-Hispanics. Conversely, about twice as many non-Hispanics (22 percent) were 55 years of age or older compared to Hispanics (11 percent). Clearly, this reality has made it increasingly necessary for educators, corporate America and policy makers to examine the inter-relationship of characteristics such as, national origin, age distribution, immigration, geographic concentration, and historical development, and their effect on the educational attainment of Hispanics in this country. Simply stated, Hispanics deserve and need to be educated and trained for the jobs of the future.

As many already know, Hispanics are not a monolithic group. The Hispanic population is comprised of all races and many nationalities. Moreover, the historical experience of each subgroup is different. Some of us are immigrants and others are native-born Americans. Yet we share many similarities in culture and language. Hispanics have made modest gains in educational attainment. About 46 percent of high school age Hispanics earned a diploma in 1983 compared to 51 percent in 1991. Also, in 1983, 8 percent of Hispanics had completed 4 or more years of college compared to almost 10 percent in 1991. Some may take comfort in these modest gains; but I ask "What has become of the others?"

Occupation data indicates that in March 1991, 29 percent of employed Hispanic males were working as operators, fabricators or laborers. Non-Hispanic men, by comparison, were most likely to have occupations that were managerial or professional (28 percent). Among employed women, both Hispanic and non-Hispanic, most held jobs in the technical, sales and administrative support categories (40 percent and 44 percent respectively). Major differences in occupational level occur in professional levels. Only 16 percent of Hispanic women were employed in managerial and professional positions compared to 28 percent of non-Hispanic women. And 14 percent of Hispanic women held positions as operators, fabricators and laborers than did non-Hispanic women (8 percent). The table which follows illustrates both the female and male labor force participation rates as of March 1991, eight months into the latest recession which began in July 1990.

Unemployment rates for Hispanics continue to hold at about 10 percent (6.9 percent for non-Hispanics). Hispanic males earned a mean income of $13,599, which is less than two-thirds of the non-Hispanic males ($21,267). Hispanic women have lower participation in the labor force than non-Hispanic women, 52.4 percent versus 57.0 percent, and higher unemployment rates, 7.8 percent versus 4.9 percent, respectively. Median income for Hispanic women was $9,188 to $11,245 for non-Hispanic women. Although the gap between the incomes of Hispanic women and non-Hispanic women is not vary dramatic; major differences exist in household size (3.48 persons Hispanics vs. 2.58 non-Hispanics) and female single head-of-households (24 percent to 16 percent respectively). This explains why so many Hispanics live in poverty (26.7 percent) than of non-Hispanics (11.8 percent). Since over 30 percent of Hispanics are under 15 years of age, it follows that a higher proportion of Hispanic children under age 18 live in poverty—37 percent compared with 17.3 percent of all non-Hispanics. Among Hispanic subgroups, the highest rate of child poverty was reported for Puerto Rican children, with about 57 percent living in poverty.

The demographic data pertinent to Hispanics mentioned above does not even begin to describe the deprivation, violence and desperation that characterizes many Hispanics' lives. Most work very hard and have the same hopes and dreams for their children that our parents share. But the circle of poverty creates many barriers. I am convinced that only through education and the allocation of appropriate resources can Hispanics continue to make small gains. Our Hispanic youth want to stay in school; many have hopes of attending college but lack information and financial resources. It is too easy to proliferate the myth that Hispanics are not interested in education; no one can afford to believe that nonsense. And it simply is not true.

I have worked in higher education for over 15 years primarily with minority youth and college students from both the Black and Hispanic communities. I have no doubts that Hispanic youth has the potential to learn and achieve. But the successes are miniscule compared to the needs of the population as a whole. I am convinced that we, the educators and policy makers must become partners in this endeavor. Corporate America must become a partner in this consortia; we all have a vested interest in the success of America's minority populations.

For the last seven years, I have been at DePaul University working to provide higher education opportunities for Hispanic women from the Chicagoland area. Since the inception of the Hispanic Women's Leadership Development Project, the Hispanic Alliance, a consortia comprised of DePaul University, Loyola University of Chicago and Saint Xavier College; approximately four-hundred and twenty-seven Hispanic women have resumed or begun a bachelor's degree program. Of these, fifty-one have graduated and are now employed in careers holding professional positions. These may not be considered impressive gains, but without a doubt these fifty-one women could not afford a private college education without support from the Hispanic Alliance, the Ford Foundation and the Illinois Board of Higher Education.

We will continue to provide these opportunities for Hispanic women because it is the most direct manner to effect positive gains in the Hispanic community. The benefits earned by these women extend to their families, the community, Chicago and the State of Illinois. They become strong contributors to the development of our society. Their college degrees give these women the social and economic mobility that had kept them in poverty for so long. Their personal success will benefit their families for generations.

I ask that you consider the complex needs of the Hispanic community and lend your continued support for resources to increase and sustain educational opportunities for my community.

TESTIMONY OF RAY VAZQUEZ, EXECUTIVE DIRECTOR OF THE LOGAN SQUARE YMCA

(U.S. Senate Democratic Hispanic Task Force)

Mr. Chairman and members of the Senate Hispanic Task Force. Thank you for the opportunity to address you this morning. My name is Ray Vazquez, Executive Director of the Logan Square YMCA and I am also here representing the Network for Youth Services a coalition of 40 youth serving members on the northwest side of Chicago.

I come today to speak on behalf of the 800 youth who have died on Chicago's's streets since 1982. They died not because of AIDS or any other physical disease, but a disease that has been plaguing our community for far too long. And while we are rightfully seeking cures for these illnesses, we have continuously lost generations of young people to the streets because as a society our approach to violence has been punishment. I am referring to Youth Gang Violence. For Latino youth, gang violence has had devastating effects. The Illinois Criminal Justice Information Authority recently released statistics indicating that teenage Latino youth males living in Chicago face a higher risk of becoming victims, and offenders in gang related murders. From 1982 to 1989, nearly 80% of all city homicides involving 15–19 year old Hispanic males were gang-related. In addition, 84% of murders involving Latino boys between 10 and 14 years of age were gang-related. The figures also show that teenage Latino males face the highest

risk of becoming offenders in street-gang related homicides. Latino teenagers are two times more likely to become offenders in gang-related murders than their black counterparts, and five times more than their white counterparts.

If we are serious about curtailing or eliminating this serious problem, then we must not let the death of these young brothers go unheard and begin to address stemming this violence in a comprehensive way. Today, there are over 4,000 youth gang members on the northwest side of Chicago and for that matter the thousands and thousands of youth on the streets of America who need our help! As a resident of the community I work in, a parent of a sixteen year old and a social worker for the past 17 years, the rest of my testimony will reflect on what we can do together to address the problem.

First, for too long, Youth development has not been a federal priority, and will not become one until communities start speaking out with a strong and unified voice that is heard by our elected officials. In an increasing complex and competitive world economy, America's human capital is our most important resource. Yet, too many of our young people are reaching adulthood unprepared to be productive workers, effective parents, or responsible citizens. America cannot remain strong unless we end this tragic waste of human potential. Over the past decade, public concern related to young people has focused primarily on improving academic performance and combatting youth problems like substance abuse and juvenile delinquency. The federal government has established ambitious National Education Goals and declared a War on Drugs, and government investment on both fronts has increased dramatically. However, it is becoming increasingly clear that America will neither achieve our education goals nor make significant progress on problems like substance abuse unless we address the broader development needs of our children and youth. Young people lack self-confidence, self-discipline, respect for others, and a sense of connectedness to their families and communities, are unlikely to be successful in school, and far more likely to engage in high risk behaviors. Community-based youth serving organizations are a tremendous resource in developing and implementing community youth development strategies, both because of their responsiveness to local community values and concerns and their ability to mobilize community resources. Notwithstanding these efforts, in most urban communities youth development efforts are both fragmented and underfunded, and no process exists through which key groups regularly come together to develop a comprehensive youth development strategy. Without a mechanism for coordination, existing "single-problem" federal programs (e.g. substance abuse, gang and AIDS prevention programs) compound this problem by working against development of a comprehensive youth development strategy. Strong bipartisan support for increased Federal investment in Headstart and other early childhood development programs signals an encouraging shift to a long-term holistic, investment-oriented strategy for youth development. The federal government must go beyond these important, but limited early childhood initiatives to encourage and empower communities to develop and implement a comprehensive youth development strategy. Recommendation #1—the federal government should relocate federal resources to fund a billion dollar per year Youth Development Block Grant (YDBG) to help communities move from crisis response to primary prevention in addressing the needs of their children and youth. Recommendation #2—the YDBG should incorporate a rigorous and innovative evaluation program so that in future years Congress and the public will have a sound basis for determining whether continued investment is appropriate.

This would prevent the abuse of federal $ as it happened in the 60's and 70's. Recommendation #3—while prevention should be a major component of the Youth Development Block Grant, we must not forget to allocate $$ to reaching the thousands and thousands of teens already caught up in gang life by providing necessary intervention services. Now I would like to go back and offer my suggestions on the gang problem. In March, 1991, the University of Chicago's School of Social Service Administration in cooperation with the Office of Juvenile Justice and Delinquency Prevention U.S. Department of Justice developed a manual for community based youth agencies on implementing a National Youth Gang Suppression and Intervention Program Model. This manual was prepared under the leadership of Dr. Irving Spergel, a renowned researcher on the gang problem. This national report underlined the steps and actions needed in providing a multifaceted approach by including community mobilization, provide opportunities for gang youth and their families and utilizing social intervention by the community based youth agency. The report further indicated that the federal government develop test models throughout the United States. Recommendation #4—that before we fund test models that you look at existing models that are very successful in addressing the problem. I offer as part of my testimony, the evaluation for 1991 on the YMCA Street Intervention Program conducted by Dr. Felix Padilla, a sociologist from DePaul University in Chicago. It clearly states that in order to prevent further gang violence and involvement their must be an intervention strategy to reach these high at risk youth. Further, a comprehensive approach of school reentry, job training and employment and recreation can deter further gang involvement. The biggest concern the evaluator had was the need was so great that the current resources could not address the problem entirely.

Finally, given the recent changes in the Soviet Union and the growing concern about economic and social problems at home, we in the local communities need our leaders in government to develop new ideas and new priorities to deal more effectively with the public's economic and social concerns. This new environment will create an opportunity for an interesting domestic policy debate that will define a new set of domestic priorities for the nineties. Our local community through the Network for Youth Services has initiated a process to develop public policies to address youth gangs, school dropouts and the coordination of services at the community level. Our process has included a Youth Summit for youth and parents interviewing community leadership and the creation of action committees to develop a system that creates an opportunity for policy development initiatives created at the local level to be discussed and presented at the federal level. What better way than to develop national policies using a bottom-up approach. I thank you for your time and look forward to working with you.●

NAVY REPORT ON NEW ATTACK SUBMARINE

● Mr. D'AMATO. Mr. President, the Defense Acquisition Board has rescheduled the Milestone 0 review of *Centurion* for August 20, 1992. The Navy assures me an August DAB will keep *Centurion* on track for a 1998 start. I ask the cosponsors of my amendment tying OASD, acquisition, funding to the *Centurion* DAB to be patient and give the acquisition czar an opportunity to redeem himself. If things go awry yet again, there is always appropriations.

Of equal importance, two letters issued by the Chief of Naval Operations establishing basic performance parameters for the *Centurion* and the Navy report on the new attack submarine have been delivered to Congress.

As these documents make clear, *Centurion* will be the first submarine designed with affordability considerations paramount. To save money, it will borrow heavily from the *Seawolf* program, particularly quieting techniques, while also adopting less costly *Los Angeles*- or *Trident*-class technology where appropriate. Ultimately, *Centurion* must be inexpensive enough to allow production of two ships per year to maintain fleet size and the industrial base in the next century.

My one concern, having reviewed Navy plans, is with the inordinate emphasis placed on power projection ashore. Missile launch rates established by the CNO for *Centurion* will require inclusion of a nonreloadable missile launch system, pushing the weight of the design into the vicinity of 7,000 tons displaced. We can ill-afford the cost of a nonreloadable missile launch system and its overall impact on the unit cost of *Centurion*.

Sea control is the forte of attack submarines. Will sinking enemy submarines or ships require large numbers of Tomahawks fired in a barrage? And why, as a submariner, spend precious dollars on the admission fee into the power projection ashore arena when the surface Navy, carrier and Marine air wings, and the Air Force already play there? Is influencing the land battle that important to the future of the submarine community?

With future submarine construction funds certain to be limited, and with it essential to keep the unit cost of *Centurion* as low as possible to allow procurement of at least two hulls per year, are there enough scenarios with enough targets to justify the costs of building into *Centurion* a nonreloadable missile launch system? I think not. *Centurion* should retain a modest Tomahawk capability, but no more than that dedicated to Harpoon or mines. A vertical launch system akin to that found in I688-class attack submarines is neither desirable nor appropriate.

But this is a quibble among friends. I applaud the Navy for bringing Congress

into the design process early. *Seawolf* was a political orphan; *Centurion* must be different. The Navy has taken an important step in sharing with Congress the logic and tradeoffs behind its newest attack submarine. We, in turn, must play an active part in shaping *Centurion*. This time, Congress must be a responsible parent, because our industrial base cannot weather another disaster like the *Seawolf*.

Mr. President, I ask that the Navy Report on the New Attack Submarine be printed in the RECORD at the end of my remarks.

The report follows:

NAVY REPORT ON THE NEW ATTACK SUBMARINE (UNCLASSIFIED VERSION)

EXECUTIVE SUMMARY

This report describes the ongoing Navy advanced submarine conceptual design process and summarizes preliminary trends based upon twelve pre-CENTURION concept studies, approximately forty CENTURION concept studies, and more than two hundred identified technologies with potential application to any future submarine design.

The conceptual design work conducted to date has been structured to accommodate wide flexibility given the uncertainty in future military requirements and budget. The Navy concept exploration process provides a wide range of design study options. Premature focusing on a concept with a narrowly defined size, level of technology and cost will be avoided.

This report is forwarded in classified and unclassified versions. This is the unclassified version.

Section 1—Description of the Senate Appropriations Committee Tasking

The SAC directed the Navy to submit to the Subcommittees on Defense of the Congressional Appropriations Committees a report on the full range of SSN design concepts in unclassified and classified form.

This is submitted in response to tasking from the 1992 Senate Department of Defense Appropriation Bill, Report 102–154, page 275:

"This report should describe and compare the various SSN design concepts in terms of: (1) size; (2) level of technology; (3) capabilities; (4) estimated RDT&E and shipbuilding costs; (5) technical risks; (6) year of lead boat full funding; (7) relationship to a range of realistic and likely Soviet and non-Soviet military threats of the late 1990's and beyond; and (8) potential impact on the nuclear-powered submarine industrial base."

Section 2—Background/Chronology

2.1 Pre-CENTURION Studies

During the period 1988 through early 1991 the Navy conducted a variety of generic submarine advanced concept studies. The Naval Sea Systems Command (NAVSEA) spearheaded an effort to assess innovative technologies in a variety of disciplines which had the potential for cost effectively satisfying future submarine operational requirements.

The goal was to conduct a flexible, exploratory evaluation of the impact of integrating a wide spectrum of advanced technological enhancements aboard generic submarines. By not assuming any specific military capabilities or submarine mission scenarios, this team was obligated to maintain a broad scope of candidate platform options. As a result, the integration of many advanced technologies was successfully assessed in a variety of single hull and double hull concepts.

Affordability, ship impact, and technical risk conclusions drawn from these assessments were not dependent on platform size or military capability and therefore provided the fundamental engineering data necessary to steer the projected military capability characteristics of any future submarine.

As a result of these studies, Navy was able to capitalize on the efforts of a dedicated team of Navy and shipbuilder engineers from the SEAWOLF program and provide early focus for the current CENTURION studies.

2.2 Initiation of CENTURION Studies

Recognizing the need for a less costly attack submarine alternative to SEAWOLF which incorporates its advanced technologies, Secretary of the Navy directed the initiation of the CENTURION Study in February 1991. Considerations driving this effort were:

The trend in defense spending mandated developing less costly options to SEAWOLF,

A need to accommodate the beginning of SSN 688 Class retirement,

Research and development for SEAWOLF had effectively climaxed and thereby provided an excellent point of departure for the study and,

Experienced and dedicated submarine design teams were in place within the Navy and in industry.

Although it is the best submarine in the world today, SSN–I688 class submarines are not a suitable alternative to the CENTURION project. SSN–I688 has a significant performance shortfall in quieting being only at acoustic parity with recent Soviet designs. Today only training, tactics, and sonar sensor capability permit our superior performance against the most modern adversary. Today's stealth technology can not be cost effectively backfit into the 25 year old SSN–I688 design.

In response to Secretary of the Navy direction to start concept exploration of a new SSN design, the Office of the Chief of Naval Operations (OPNAV) organized eight flag officer directed committees to formulate preliminary CENTURION military capability and mission scenario guidance for conceptual design use. Areas and parameters evaluated included: submarine roles and missions, weapons and launchers, speed and maneuverability, stealth, connectivity and special features, endurance, depth, and combat system and sensors. Each committee, as part of its recommendation to the Chief of Naval Operations (CNO) on desirable ranges of military capability parameters, focused on identifying key cost drivers and their relationship to military capability.

In response to the Secretary of the Navy's direction, NAVSEA began to focus its ongoing generic design effort on a next generation submarine. Working in close cooperation with the OPNAV committees, the Navy and shipbuilders developed a large number of attack submarine concepts spanning a wide range of military capabilities and sizes. These general attack submarine concepts provided a basis for assessing the sensitivity of ship size and cost to the military capability ranges recommended by the OPNAV CENTURION committees. In addition, they included a wise range of innovative and feasible technology enhancements and incorporated general conclusions and lessons learned from pre-CENTURION studies.

In October 1991, the Mission Need Statement (MNS) for Attack Submarine Capability was approved by CNO, emphasizing affordability while meeting the following military capability areas: covert strike (power projection ashore), ASW, covert surveillance/intelligence collection, ASUW, special warfare, mine warfare, and battle group support. After the Defense Intelligence Agency (DIA) validated the threat assessment, the Joint Requirements Oversight Council (JROC) validated the Mission Need Statement (MNS) and expressed the need to begin concept exploration for a less costly attack submarine alternative to the SSN 21.

JROC validated that the mission need was the multi-mission capability provided by a nuclear attack submarine. This is an important distinction. JROC stated the Joint Commander's need for the capability of a multi-mission stealth platform, a capability that has for the last 30 years been performed by the nuclear attack submarine. Although several non-submarine alternatives were presented, the JROC's clear conclusion was that "the mission need could best be filled by a nuclear attack submarine".

The JROC further noted that design concepts executed for reasons of affordability may not necessarily have to go through a full "new program start." Accordingly, the JROC encouraged attempts to streamline the process when fiscal reasons are driving the design. The CENTURION studies are clearly such a program vis-a-vis SEAWOLF.

2.3 Required Military Capability

In January 1992, the Chief of Naval Operations (CNO) promulgated a range of performance attributes to be used in the concept design of the new attack submarine. These set the outer bounds for the concept design effort and form the basis of alternatives to be studied in the cost of operational effectiveness analysis.

These attributes were the result of the operator's input in the original CENTURION study committees followed by a comprehensive mission effectiveness analysis to confirm the operator's evaluation of the utility of each attribute. The resulting performance ranges represent limits of effectiveness and military utility that leave sufficient latitude for the designers to optimize the ship.

After further review of these requirements following cancellation of SEAWOLF, Navy recognized and need to focus the design effort at the minimum requirements in some areas to ensure the new attack submarine will meet the requirement for an effective, affordable ship. In a February 1992 memo, the CNO directed focus in the following areas:

Retain SEAWOLF quieting. It is the cornerstone of all missions that submarines will perform in the future and will ensure the necessary tactical advantage.

Reduce maximum flank speed. Reduce to a speed to provide sufficient mobility and target closure and allow the submarine to operate with other naval units providing rapid response to regional crisis.

Maintain elementary combat systems requirements. Basic capabilities are all that are required. Use of various proven computer technologies in an open architecture design will be examined as a cost effective way to reduce weapons payload and weapons delivery rate. Use of non-reloadable launchers such as the vertical launch system and simplified internal weapons handling systems will be investigated to optimize payload and launch rate in an affordable manner.

Reduce maximum depth. Although deeper operating depths enhance performance, the design will concentrate on depths sufficient to meet the current projected threat.

Minimize crew size.

2.4 Ongoing Navy Efforts

Currently, Navy and shipbuilder efforts are directed toward engineering tradeoff studies

concentrating on affordability that will lead to the Navy's choice of submarine designs. These studies also support the Cost and Operational Effectiveness Analysis (COEA) planning for Milestone O. These efforts can be summarized as follows:

1. Ship impact and cost assessments of more than sixty shipbuilder developed design and construction ideas which have a strong potential to reduce shipbuilder costs are underway. These creative and innovative ideas originated from thorough shipbuilder reviews of their submarine system design and construction practices. These include such areas of study as:

a. Alternate foundation and isolation approaches.

b. Pressure hull and non-pressure hull design and fabrication for cost reduction.

Relaxation of construction tolerances.

Trade-off of HY steels for cost reduction.

c. Increased modularization to permit off-hull qualification testing.

2. Studies to further refine and characterize potential methods to reduce ship size and acquisition cost are in progress. The most promising of these ideas are:

a. Combat System cost and complexity reduction studies,

b. Propulsor cost reduction and simplification,

c. System simplification and cost reduction:

Hydraulic Systems,

Life Support Systems,

Air Systems,

Electrical Systems,

Weapon Handling and Launch Systems.

3. Numerous specific system simplification, system characterization, technology integration and affordability studies are underway.

4. Efforts to develop more refined cost modeling relationships to assess the cost of specific military capability requirements are in progress.

5. Procedures are being developed to continually assess cost impacts during CENTURION development in order to incorporate affordability considerations in all aspects of the program decision-making process. Current efforts include reviews of shipbuilding and vendor procurement specifications for cost reduction and business strategy considerations for shipbuilders and suppliers.

2.5 Planned COEA Efforts

Following a Milestone O Defense Acquisition Board review of the Navy's Mission Need Statement and the current threat assessment a Cost and Operational Effectiveness Analysis (COEA) will be performed by an independent study team in compliance with DoD Directive 5000.1 and DoD Instruction 5000.2. The COEA will provide:

A comprehensive examination of costs and benefits for the submarine alternatives specified at Milestone O.

A list of key assumptions and study variables to support Milestone I decisions.

The analytical rationale for the concept selected at Milestone I.

Single mission and multi-mission cost effectiveness studies.

Life cycle cost estimating will also be performed in conjunction with initial logistics planning. The results will be incorporated in the COEA.

Section 3—Current Assessment

3.1 Platform Size/Capability

The most important result of preliminary CENTURION work has been to identify the major cost drivers in submarine design. Initial studies indicate the drivers are: Speed; Combat Weapons System performance (including sensors, combat control and firepower); Stealth (acoustic quieting). These are the key military capability drivers and are vital to analyzing the preliminary study results and in determining the focus of CENTURION efforts. These results are the output of definitive engineering studies.

Preliminary platform concept study results have clearly shown that a nuclear powered attack submarine's acquisition cost and size are driven primarily by its required military capability. Studies completed to date strongly suggest that the primary method of reducing the acquisition cost is to carefully match military capabilities to operational and mission needs.

Based on the preliminary results obtained to date, some important trends in the relationship between size and military capability have become apparent. These trends are summarized below, concentrating on the three military capabilities that most influence the size and acquisition cost of a submarine: speed, combat weapons system and stealth.

Study results are presented below in three major displacement ranges as follows: 1. 6000 tons or less, 2. 6000 to 8500 tons, 3. 8500 tons or greater.

3.1.1 6000 Tons or Less

Initial efforts show that ships smaller than 6000 tons displacement do not provide the required military capability and also do not provide significant acquisition cost savings. The major performance shortfalls in ships of this size with SEAWOLF quieting are in speed and firepower.

Two major concept studies, one by a private shipbuilder and one by Navy designers, in this size range have both shown similar significant reductions in firepower and unacceptably slow speeds. Because Navy considers quieting the primary consideration in any concept, quieting was held constant while the designs were allowed to evolve, resulting in unacceptable performance in other areas. Speeds achieved were significantly less than required. As for firepower, designs in this lower displacement range could not accommodate the Vertical Launch System which is required for submarines of this size to provide the required missile launch rate.

The shipbuilder was tasked to design a 5000 ton submarine with the same constraint on quieting at SEAWOLF performance to determine a lower bound of displacement. The result was a 5007 ton platform, but the proposed ship didn't meet basic modern submarine design criteria in the areas of shock, fire fighting, equipment redundancy, and bulkhead design to collapse depth.

Additionally, from a military utility perspective, this 5000 ton ship was unacceptable in that both maximum speed and missile launch rate were below the CNO's desired ranges.

The second study was conducted by Navy designers. The tasking was to design a minimum displacement ship with SEAWOLF quieting using modern design criteria. The result was a ship with a displacement of 5800 tons. This Navy effort at a minimum displacement ship added the tonnage required to meet modern design criteria (shock, fire fighting, redundancy, and bulkhead design) but it still lacked adequate speed and adequate missile launch rate. Speed and missile launch rate were similar to the 5007 ton ship and were likewise unacceptable.

In an attempt to quantify the impact of incorporating the modern design criteria into an existing small submarine package, including quieting and shock, a study was conducted to estimate displacement impacts on the SSN 637 Long Hull design. The resulting "modern" design resulted in a ship of 5768 tons displacement, almost identical to the Navy 5800 ton concept. This validated the conclusion that modern ships with SEAWOLF quieting less than 6000 tons can not be designed with adequate speed and firepower.

The primary explanation for these results is that modern acoustic quieting and shock hardening with existing technology require the use of volume to provide equipment isolation from their bedplate, adjacent components, and hull structures. For example, current technology extensively utilizes double sound isolation. This requires additional structure and mounts which add volume throughout the ship. Additionally, shock clearances in these mounting systems are larger to incorporate modern shock design criteria. Machinery quieting sometimes requires lower rpm which requires even larger size components for the same power.

Since stealth is the essence of a submarine's military value, most of the nuclear attack submarine concepts studied in this displacement range were constrained to the acoustics and non-acoustic silencing features that provide stealth capability equal to that of SEAWOLF.

The sonar detection sensor suites used in these concepts were typically comparable to SEAWOLF in overall military capability. These sensor suites were used to determine what capability could fit on the various displacement ships and do not preclude simplification in the final Navy concept.

The conclusion of the studies conducted to date is that no design with SEAWOLF quieting and less than 6000 tons displacement could meet the CNO's minimum speed and firepower requirements. As for firepower, designs in this lower displacement range could not accommodate the Vertical Launch System which is needed for submarines of this size to provide the required missile launch rate. As displacement was forced to the 5000 ton range, additional reductions were necessary in stealth features, ship speed, and combat system capabilities.

3.1.2 6000 tons to 8500 tons

Submarine concepts in the range of somewhat greater than 6000 tons to 8500 tons allow the incorporation of a diverse range of military capabilities. Given the emphasis on affordability and the Navy's need to meet projected minimum military capability requirements, the Navy will extensively investigate this displacement range.

Most nuclear attack submarine concepts in this range can accommodate stealth features equal to SEAWOLF and adequate sonar sensor suites.

The concepts at the lower end of this range have firepower roughly half of SEAWOLF. At the lower end, only four 21" torpedo tubes can be incorporated and Vertical Launch to improve the missile launch rate can not be included. Torpedo stows are limited to 22 small diameter (21") weapons as compared to SEAWOLF's 42 stows.

The middle of this displacement range offers augmented strike capability with vertical launch cruise missile systems, more torpedo stow capability, and increased versatility for producibility improvements.

The upper end of this range offers many possibilities including increased firepower with six to eight torpedo tubes, sixteen or more vertical launch tubes, special warfare features, Unmanned Underwater Vehicle (UUV) integration, and enhanced combat systems.

The greater than 6000 to 8500 ton displacement range is a natural fit with the optimum (most cost effective) propulsion plant size available with today's technology. For a given propulsion plant size, ship speed only marginally changes for increased displacement of a submarine hull. Speed is proportional to displacement raised to the 2/9 power for a given shaft horsepower. Use of the optimum propulsion plant size in the greater than 6000 to 8500 ton regime results in ship speeds that meet the operational requirements and leaves room for design tradeoffs in the rest of the ship's systems that allow meeting the ship's affordability goal.

For the other cost driver, the combat system, this displacement offers more than adequate range to accommodate effective alternatives that maintain performance while saving cost. In sonar and fire control, this size allows use of most of the same sensors and arrays as SEAWOLF while reducing capacity of trackers, launchers, and other redundancies to save cost. In some areas such as communications and electronic surveillance, this displacement range offers the capability to use new technology to improve performance that would be more difficult on the smaller displacement ships. This includes the use of towed buoys and incorporation of a new technology ESM suite.

3.1.3 8500 Tons or Greater

Submarine concepts greater than 8500 tons have received little detailed conceptual design attention to date because the assessment was that concepts in this size range would offer comparable military capabilities to SEAWOLF in all major areas and would cost nearly the same as SEAWOLF.

3.2 Quieting Impact on CENTURION Design

Quieting has been a major driver of ship size, weight, and cost over the past 25 years. CENTURION will be the first nuclear submarine to simply "hold the line" on quieting.

Starting with noise reduction in the SSN 593, each successive class has incorporated new improvements. As requirements have become more stringent, it has become harder to gain ground as quieting technology has sequentially eliminated the easier noise offenders.

The challenge in the CENTURION design is to maintain the advantage provided by SEAWOLF stealth technology by engineering into a smaller, less costly platform. A prime example is the propulsor, which must be re-engineered to meet the unique horsepower, RPM, weight constraints, and operating range of the selected ship concept.

An initial assessment has been conducted to determine if CENTURION could be made significantly less costly through relaxation of noise quieting requirements in machinery isolation. While some minor savings would accrue from simplification of existing structure designs, these gains would be limited due to other design considerations. To achieve significant cost savings, an entire level of sound isolation (SEAWOLF has two levels of isolation) would have to be removed. While more efficient double isolation designs are now possible with advanced structural analysis methods the equivalent of two levels of sound isolation are still required to meet performance goals.

The second potential savings is relaxation of noise specifications for machinery and piping system components. However, machinery vendors have already incorporated the stringent requirements of SEAWOLF stealth in their manufacturing equipment. Only an unacceptable reduction in the noise goal would result in real cost savings.

A third area for potential savings is the propulsor which controls the high speed noise signature on the ship. Even a minor reduction in quieting goals would at least double the counterdetection range against today's threat. Concept design studies are concentrating on cost savings on the propulsor, but it is essential we maintain the goal at SEAWOLF quieting in this area.

3.3 Maximum Speed impact on CENTURION Design

Maximum speed varies only slightly over the range of displacements being explored for CENTURION with the optimum size propulsion plant. As previously discussed, the CNO has established a maximum speed for CENTURION based on the minimum acceptable for military utility. Because we are focusing on the minimum end of the range, speed will not be a significant factor in the CENTURION design.

Maximum quiet speed is generally thought of from two perspectives. The first is the maximum speed a submarine can travel with an acceptably low probability of counterdetection, typically 10 percent. The second is the maximum speed which can be achieved before the sensor suite is saturated with flow noise.

The sensor saturation speed is principally a function of the sonar arrays themselves. With the latest sensor suite technology, this speed limitation is relatively insensitive to ship design. Design efforts will utilize developments from the DARPA Hydroacoustics Center to engineer the hydroacoustic signature of the submarine to minimize flow-induced degradation of the sonar sensors.

3.4 Producibility Findings

Within any of the size ranges outlined above, preliminary findings show that manufacturing costs can be reduced by incorporating producibility features aimed at reducing construction manhours.

Preliminary findings indicate the Navy can realize cost savings in total construction costs. These will be in addition to cost savings from requirements reduction, system simplification, and propulsion plant cost reduction that will make CENTURION more affordable than SEAWOLF. Within any of the size ranges discussed above, incorporation of all the producibility features may require a modest increase in submerged displacement, which is expected to have an insignificant effect on ship military capability.

Some of the producibility concepts also have the potential for reducing Operating and Support (O&S) costs. Collectively these producibility concepts are expected to produce a new submarine that would be available for more operating time during its life cycle and would be less costly to operate and support than current attack submarines.

3.5 Technology Assessment

3.5.1 Technology Assessment Objectives

The general thrust will be to develop an affordable attack submarine using technologies with acceptable risk levels including existing systems or components from SSN-I688, TRIDENT, and SEAWOLF. This approach to technology innovation will carefully balance military capability, development and acquisition cost, impact on ship weight and volume, and technical risk.

To date over two hundred technologies have been identified for consideration. These technologies are being reviewed by teams of experts comprised by Navy design team members, DARPA R&D managers, Warfare Center personnel, shipbuilder engineers, and vendor engineers. Tradeoff analyses are being performed to provide the engineering and cost data required to assess the technology options.

3.5.2 Technology Categories of Maturity

Technologies examined for the various ship concept studies fall into four categories of maturity. An additional consideration in each category is the availability of the industrial base to support continued procurement. Varying degrees of re-engineering of the systems may be required to adapt them to the new submarine's requirements.

SSN 688/TRIDENT Technology—These technologies are being examined where their performance could offer a reduction in cost over comparable SEAWOLF technology costs. Examples of these technologies include selected AN/BSY-1 combat system components, HY 80 pressure hull steel and Type 18 periscopes. Few, if any, SSN, or TRIDENT components which are sources of radiated noise can meet acoustic signature requirements.

SEAWOLF Technology—These technologies represent a logical performance baseline to use in various concepts because they will have been demonstrated upon delivery of SEAWOLF. Examples are main propulsion unit technology repackaged to the correct shaft horsepower, pumps, weapons launchers, and hull coatings which achieve acoustic signature and survivability performance significantly greater than any prior submarine class. Combat system components such as advanced towed arrays and wide aperture hull sonars provide offensive and defensive warfighting capabilities not previously available in prior classes. Some re-engineering of specific components may be required to adapt them to the new submarine requirements.

Post-SEAWOLF/Near Term Technology—This group represents those low risk technologies from various sources that have been successfully demonstrated at or near full scale within the last few years or will do so in time to meet the ship's design schedule. Development of these technologies is the result of on going submarine related RDT&E by Navy, DARPA, and industry IR&D. Examples that could be considered for CENTURION include mechanical life support improvements, weight reductions through use of composite materials, use of fiber optics, and incorporation of DARPA innovative hydrodynamic features.

Developmental Technology—This group consists of the high risk technologies that would require significant concurrent development with the ship design. These technologies have not been tested in a full scale demonstration and the engineering feasibility of many of these has not been established. To meet any ship delivery schedule, significant development cost would be required. These technologies offer potential for payoffs in performance or affordability, but carry with them a significant risk to the ship design and construction schedule. Examples of these technologies include composite nonpressure hull stern structure, and DARPA structural acoustic initiatives.

3.5.3 Technology Assessment Findings

A summary of preliminary findings is as follows:

1. The Navy will conduct cost effectiveness studies of the various technology options. In those areas where SEAWOLF performance is not mandatory for mission accomplishment, the Navy will evaluate SSN 688 or TRIDENT technology for cost effectiveness.

2. SEAWOLF technologies offer the least cost approach to the concept design in areas where military capability is important. These include stealth, shock, and surviv-

ability which are among those areas where SEAWOLF represents a major improvement over prior classes.

3. Current/near term technologies show potential for reducing either system size (volume and/or weight) or acquisition costs without sacrificing military capability. Particular areas of interest are the auxiliary systems, electric distribution system, lightweight wide aperture sonar arrays, and composite materials. Efforts are focusing on the development cost and schedule for these technologies in order to properly weigh their potential benefits against SEAWOLF or SSN 688/TRIDENT technologies.

Other significant areas of interest include:

Combat system capability might be retained at less size and cost through the application of more densely packaged systems, use of deck (instead of cabinet) shock and sound isolation, and functional consolidation to reduce the number of cabinets and operators.

Weapon launcher and handling systems have multiple technology alternatives which can potentially reduce the system production costs and permit greater weapons stowage density.

4. For the majority of the developmental technologies examined to date for system and ship integration, the resulting potential system performance was greater than SEAWOLF, but the technology entailed a significant development cost and in many cases had significant schedule uncertainty. The Phase 0 concept development effort will examine all available cost effective technologies.

Efforts are being directed to determine how some of these technologies might be developed as pre-planned product improvements to later ships of the class. Developmental technologies may also provide opportunities for advanced submarine designs of the future well past the current CENTURION efforts and therefore continued support of these efforts is appropriate. Many of the DARPA Submarine Technology programs are in this category that will be reviewed for future incorporation.

6. The Navy must start development of many technologies for the CENTURION submarine in concert with the ship design schedule. Where systems have a long lead time, development must start now to assure hardware is available to the shipbuilder when required. Where technology demonstration is required, initial R&D funding is needed in FY 93 or FY 94.

3.6 Estimated RDT&E and Shipbuilding Costs

CENTURION's RDT&E and Shipbuilding Cost objectives will be approved at Milestone I (planned for 1993). Cost estimation is a major objective of acquisition Phase 0, Concept Exploration and Definition.

RDT&E costs are projected to be consistent with previous submarine developments in constant year dollars. For expected military capabilities, a rough order of magnitude cost estimate is between $3.4B and $4.4B (constant FY 92 dollars) assuming a lead ship award in FY 1998 with subsequent delivery in 2003. These estimated costs include HGM&E and Combat Systems. Estimates of propulsion plant development costs are better defined for the plant which best satisfies the projected optimum balance between ship size and speed. Propulsion plant development costs will be $725M to $750M (constant FY92 dollars). These estimates assume a viable vendor base.

Shipbuilding (SCN) costs are also very capability dependent. Industrial base uncertainty resulting from termination of SEAWOLF program will have a major impact on the cost of CENTURION and its development. Until ship configuration is better defined and industrial base impacts are understood, a total ship cost would be speculative.

3.7 Technical Risk

Efforts are already underway which will pay dividends in risk reduction:

Demonstration of technologies on operational submarines. Experience with new technologies will continue to reduce the risks and costs of using new technologies in a lead ship design.

Improvement in Design and Simulation Tools. Efforts by DARPA and the Navy to translate better knowledge of the "physics" of submarine performance are already being applied to CENTURION efforts. An example is the use of the DARPA developed Submarine Hydrodynamic/Hydroacoustic Technology Center to predict performance of various concepts. Similar efforts in survivability models, structural strength models, and naval architectural models are planned to reduce future detailed design, construction, and testing costs.

Demonstration of concepts on SEAWOLF program developed large scale test facilities. The Large Scale Vehicle (LSV) for propulsor and hydroacoustic testing and a submarine shock test vehicle are two major examples where cost effective testing of systems will be utilized.

Technical risks of the various concepts studied are principally related to the degree of developmental technology used in the concept's systems. The concepts which retain or increase performance over SEAWOLF while significantly reducing ship size would heavily rely on developmental technologies. Consideration of developmental technologies in the ship designs includes assessment of the fall back system redesign costs required if the technology development proves unsuccessful. In cases where the fall back redesign is very expensive, the benefits of the development technology must clearly outweigh the risk.

3.8 Year of Lead Ship Full Funding

Lead ship full funding is currently planned for FY 1998, with advance procurement of propulsion plant equipment starting in FY 1996. Ship construction earlier than planned would not allow sufficient time for development of new technologies and equipments with acceptable levels of risk. Component designs to support initiation of some long lead components would lack maturity, definition, or necessary prior testing for an earlier than planned procurement.

Selection of a construction start date will be a careful balance of new technology possibilities, such as the DARPA Submarine Technology programs, with the realities of maintaining both force levels and the industrial base. All technologies are being considered for incorporation. Low risk (with regard to cost/schedule/technical complexity) technologies will be incorporated if gains are commensurate with associated cost. Medium risk programs requiring further demonstration of proof of principle will have space/weight reserved if justified by cost benefit analysis. Technologies of high risk with indefinite development schedules and expected completion far in the future will not be provided for in CENTURION.

3.9 Potential Impact on the Nuclear Submarine Industrial Base

The Deputy Secretary of Defense, Donald J. Atwood, directed the Navy to prepare a plan for preservation of appropriate, affordable, and unique capabilities to maintain nuclear-powered submarine systems and design and produce such systems in the event of a need to reconstitute. A Navy conducted study prepared in response to this direction will address the potential impact on the nuclear submarine industrial base.●

ORDERS FOR TOMORROW

Mr. LAUTENBERG. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, July 22; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there then be a period for morning business not to extend beyond 10:15, with Senators permitted to speak therein for up to 5 minutes each, with Senators BAUCUS, WELLSTONE, GORTON, and PRESSLER recognized for up to 10 minutes each; that at 10:15 a.m. the Senate resume consideration of S. 2877, the interstate transportation of municipal waste bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:29 p.m., recessed until tomorrow, Wednesday, July 22, 1992, at 9:30 a.m.

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HOUSE OF REPRESENTATIVES—*Tuesday, July 21, 1992*

The House met at 12 noon.

Rev. Dr. William A. Holmes, Metropolitan Memorial United Methodist Church, Washington, DC, offered the following prayer:

Almighty and loving God, Lord of all creation—including principalities, powers, and all governments—we give You thanks for the Government of these United States, and especially for this House of Representatives and its unique contribution to the tripartite rhythm of executive, judicial, and congressional branches. May this Chamber be literally a sounding board, not for lazy rhetoric or cheap semantics, but a place where words find density in deeds of justice, and where language leads ultimately to laws in service to the common good. O Thou who art the word in whom all our words are spoken. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. BARRETT] come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2926. An act to amend the Act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2532. An act entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act."

S. Con. Res. 130. Concurrent resolution making a correction in the enrollment of Senate Concurrent Resolution 129 of the One Hundred Second Congress.

The message also announced that pursuant to Senate Concurrent Resolution 102, 102d Congress, the Chair, on behalf of the Vice President, appoints Mr. MITCHELL, Mr. FORD, and Mr. STEVENS to the Joint Congressional Committee on Inaugural Ceremonies.

That pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. REID from the Committee on Appropriations; Mr. SHELBY from the Committee on Armed Services; Mr. D'AMATO from the Committee on Appropriations; and Mr. BURNS at large; to the Board of Visitors of the U.S. Military Academy.

That pursuant to section 9355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. EXON from the Committee on Armed Services; Mr. HOLLINGS from the Committee on Appropriations; Mr. COCHRAN from the Committee on Appropriations; and Mr. LOTT at large; to the Board of Visitors of the U.S. Air Force Academy.

That pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Ms. MIKULSKI from the Committee on Appropriations; Mr. SARBANES at large; Mr. HATFIELD from the Committee on Appropriations; and Mr. MCCAIN from the Committee on Armed Services; to the Board of Visitors of the U.S. Naval Academy.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

RODGITO KELLER, WILLIE C. HARRIS, LUIS FERNANDO BERNATE CHRISTOPHER, HOWARD W. WAITE, EARL B. CHAPPELL, JR., JAMES B. STANLEY, AND LLOYD B. GAMBLE

Mr. BOUCHER. Mr. Speaker, after discussing the Private Calendar with the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], I ask unanimous consent that the following bills be passed over without prejudice: H.R. 240, H.R. 760, H.R. 1100, H.R. 1123, H.R. 1280, H.R. 1759, and H.R. 3590.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMANDA VASQUEZ WALKER

The Clerk called the bill (H.R. 761) to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker.

There being no objection, the Clerk read the bill as follows:

H.R. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOREIGN RESIDENCY REQUIREMENT WAIVER FOR AMANDA VASQUEZ WALKER.

For the purposes of section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), Amanda Vasquez Walker of Roosevelt Island, New York, shall be deemed to have departed the United States and thereafter to have resided and been physically present in the country of her nationality or last residence for an aggregate of 2 years prior to the date of the enactment of this Act.

Mr. SCHUMER. Mr. Speaker, I rise in support of H.R. 761, and I want to thank my colleagues on the Judiciary Committee for their assistance in bringing this bill to the floor on behalf of Ms. Amanda Vasquez Walker.

Ms. Walker is a native of Argentina. She came to the United States in 1986 as an exchange student on a J–1 visa. She attended a Government-sponsored program and was in the country for 42 days. During that period she met her current husband, Mr. John Walker, who is a U.S. citizen.

When Ms. Walker returned to Argentina, she corresponded with Mr. Walker. Mr. Walker invited her to visit the United States, and she did come for two brief visits in 1986 and 1987. Eventually, after their lengthy courtship, Ms. Walker traveled to the United States in May 1987 and was married to Mr. Walker. At that point, Ms. Walker became eligible for permanent residency as the spouse of a U.S. citizen.

The problem is a requirement that an alien who arrives in the United States under a J–1 visa return to his or her home country for at least 2 years before establishing permanent residency. When Mr. and Ms. Walker were married, she had been in Argentina for a total of 237 days since returning from her exchange student program. The purpose of H.R. 761 is to relieve Ms. Walker of the obligation to spend an additional 1⅓ years in Argentina prior to becoming a permanent resident.

Forcing Ms. Walker to return to Argentina for this limited period would impose upon her and her husband an undue hardship. Mr. Walker holds a senior position with an employer for whom he has worked for nearly 30 years. If he left it to be with his wife, he would lose his job, his benefits, and his seniority—essentially everything he has worked for over the past three decades.

Meanwhile, Ms. Walker would have no possibility of meaningful employment in Argentina, as employers would know that she intended to

rejoin her husband after little more than a year. Mr. Walker would have to support two households—which he could not do on his salary of approximately $55,000 per year.

Most important, causing the extreme emotional hardship of separation from one's spouse is plainly not what Congress intended when it passed the 2-year residency requirement for exchange students. The purpose of that requirement is to ensure that people do not use J–1 visas as a vehicle to circumvent the immigration laws.

That is not what happened in this case. Ms. Walker did not come to the United States on an exchange program to find a husband. She came here to attend a class and when that class ended she returned to Argentina. She conducted a long-distance correspondence with Mr. Walker for 6 months before coming to the United States for a visit. When the Walkers decided to get married, Ms. Walker had already been in Argentina for a substantial portion of the 2 years required by law. I believe that waiving the remainder of the requirement would relieve the Walkers of an extreme hardship without doing violence to the intent of the statute.

There are a number of congressional precedents that support Ms. Walker. In 1982 and 1984, Congress passed private bills to waive the 2-year residency requirement of people who had come here on J–1 visas.

Some Members have expressed concern about the fact that Ms. Walker came to the United States originally on a Government-funded student exchange program. Under the amendment offered by my colleague from Wisconsin, Ms. Walker will reimburse the Government fully for the cost of that program. I believe the amendment takes care of those concerns.

Again, I would like to thank Chairman BROOKS of the Judiciary Committee and Chairman MAZZOLI of the Subcommittee on International Law, Immigration, and Refugees for their assistance, and also to thank my colleagues, Mr. BOUCHER and Mr. SENSENBRENNER, for their input. I urge support of H.R. 761.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 2, after line 5, add the following new section:

SEC. 2. DEADLINES FOR PETITION AND PAYMENT.

Section 1 shall apply only if, within the 2-year period beginning on the date of the enactment of this Act—

(1) a petition for classification of Amanda Vasquez Walker as an immediate relative under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is filed with the Attorney General; and

(2) Amanda Vasquez Walker pays to the Secretary of the Treasury, for deposit in the general fund of the Treasury of the United States, the sum of $4,500 in reimbursement for the amount expended by the United States Information Agency for the participation by Amanda Vasquez Walker in a training program at the George Meany Center for Labor Studies in Silver Spring, Maryland.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM A. CASSITY

The Clerk called the bill (H.R. 1101) for the relief of William A. Cassity.

There being no objection, the Clerk read the bill as follows:

H.R. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF LIABILITY.

(a) FOR CERTAIN ERRONEOUS PAYMENTS.—William A. Cassity of Memphis, Tennessee, a former employee of the Department of the Navy, is hereby relieved of liability to the United States in the sum of $14,312.01, representing erroneous payments of relocation expenses incident to his transfer from the United States Postal Service to the Department of the Navy in 1984.

(b) CREDIT TO ACCOUNTS OF THE UNITED STATES.—In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by subsection (a).

SEC. 2. PROVISION FOR PAYMENT BY THE SECRETARY OF THE TREASURY.

(a) FOR ANY AMOUNTS ALREADY PAID BY OR WITHHELD FROM WILLIAM A. CASSITY.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to William A. Cassity an amount, if any, equal to the aggregate of any amounts paid by him to, or withheld from sums otherwise due him by, the United States with respect to his indebtedness to the United States referred to in section 1(a).

(b) RESTRICTION ON ATTORNEY'S FEES.—Not more than 10 percent of the amount appropriated in subsection (a) may be transferred, directly or indirectly, to any attorney or other agent as consideration for services rendered to William A. Cassity in connection with the claim for relief of liability made by section 1(a). Any person violating the provisions of this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

With the following committee amendment:

Page 1, line 5, strike "Memphis, Tennessee" and insert "Fredericktown, Missouri".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM A. PROFFITT

The Clerk called the bill (H.R. 2156) for the relief of William A. Proffitt.

There being no objection, the Clerk read the bill as follows:

H.R. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT OF RELOCATION EXPENSES FOR WILLIAM A. PROFFITT.

For purposes of permitting reimbursement of relocation expenses authorized by sections 5724 and 5724a of title 5, United States Code, William A. Proffitt shall be considered to be an employee transferred in the interest of the Federal Government by the Department of the Air Force from 1 official station to another for permanent duty without a break in service, incident to travel performed from Lebanon, Tennessee, to Myrtle Beach, South Carolina, in November 1989.

With the following committee amendment:

Page 2, add the following after line 6:

SEC. 2. LIMITATION ON AGENTS AND ATTORNEYS FEES.

No amount exceeding 10 percent of the payment made to any individual under section 1 may be paid to or received by any agent or attorney in consideration for services rendered in connection with the payment. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided under title 18, United States Code.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZABETH M. HILL

The Clerk called the bill (H.R. 2193) for the relief of Elizabeth M. Hill.

There being no objection, the Clerk read the bill as follows:

H.R. 2193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth M. Hill—

(1) the sum of $6,780, and

(2) interest on such sum—

(A) calculated at the rate determined in the manner provided in subsections (a) and (b) of section 1961 of title 28, United States Code, and

(B) payable for the period beginning on October 5, 1985, and ending on the date on which such sum is paid.

Such sum represents the amount that was recovered by the United States under Public

Law 87-693 (76 Stat. 593; 42 U.S.C. 2651 et seq.) in satisfaction of its claim against a tortiously liable third person for the value of medical care and treatment the United States furnished to Elizabeth M. Hill, but would have been recovered by Elizabeth M. Hill if a timely request for a waiver of such claim had been submitted on her behalf.

SEC. 2. LIMITATION ON ATTORNEY'S AND AGENT'S FEES

Not more than 10 percent of the sums appropriated by section 1 shall be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHRISTY CARL HALLIEN

The Clerk called the bill (H.R. 2490) for the relief of Christy Carl Hallien of Arlington, TX.

There being no objection, the Clerk read the bill as follows:

H.R. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF FROM LIABILITY.

(a) RELIEF.—Christy Carl Hallien of Arlington, Texas, is relieved of all liability for repayment to the United States of the sum of $11,865.13, plus accrued interest. Such sum represents part of the amount that Christy Carl Hallien owes to the Department of Defense for payments received for travel and relocation expenses arising from his relocation from Burlington, Vermont, to accept employment with the Department of Defense in Arlington, Texas, in October 1983.

(b) BASIS FOR RELIEF.—The basis for granting relief pursuant to subsection (a) is that an agent of the Department of Defense erroneously informed Christy Carl Hallien that he was entitled to reimbursement of all travel and relocation expenses incurred relating to his relocation from Vermont to Texas.

SEC. 2. LIMITATION OF ATTORNEYS' OR OTHERS' FEES.

No amount exceeding 10 percent of the amount referred to in section 1 shall be paid by any person on behalf of Christy Carl Hallien for services rendered in connection with the relief provided by this Act. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLUFUNMILAYO O. OMOKAYE

The Clerk called the bill (H.R. 3288) for the relief of Olufunmilayo O. Omokaye.

There being no objection, the Clerk read the bill as follows:

H.R. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT AUTHORIZED.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Olufunmilayo O. Omokaye, of Hyattsville, Maryland, the sum of $399.63, in full satisfaction of her claim against the United States for payment of compensation for services rendered to the United States Government during the period from July 10 to 21, 1989.

SEC. 2. PROHIBITION ON ATTORNEY'S FEES.

Notwithstanding any contract, no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim under section 1. Any person who violates this section shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARMEN VICTORIA PARINI, FELIX JUAN PARINI, AND SERGIO MANUEL PARINI

The Clerk called the bill (H.R. 3289) for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini.

There being no objection, the Clerk read the bill as follows:

H.R. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CITIZENSHIP FOR CARMEN VICTORIA PARINI, FELIX JUAN PARINI, AND SERGIO MANUEL PARINI

(a) IN GENERAL.—Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini may each be naturalized as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply to an individual under such subsection only if the individual takes the oath referred to in such subsection within 2 years after the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CITIZENSHIP FOR CARMEN VICTORIA PARINI, FELIX JUAN PARINI, AND SERGIO MANUEL PARINI.

(a) IN GENERAL.—Subject to subsection (b), Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini may each be naturalized and issued a certification of naturalization as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply to an individual under such subsection only if the individual applies to take the oath referred to in such subsection by submitting the required form within 2 years after the date of the enactment of this Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLOBAL EXPLORATION AND DEVELOPMENT CORP., KERR-McGEE CORP., AND KERR-McGEE CHEMICAL CORP.

The Clerk called the resolution (H. Res. 29) for the relief of Global Exploration and Development Corp., Kerr-McGee Corp., and Kerr-McGee Chemical Corp.

There being no objection, the Clerk read the bill as follows:

H. RES. 29

Resolved, That the bill (H.R. 477) entitled "A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation and Kerr-McGee Chemical Corporation", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

With the following committee amendment:

Page 2, line 4, add the following after the period:

This resolution shall become effective immediately upon the issuance of an order dismissing with prejudice all claims asserted in *Kerr-McGee Corporation and Kerr-McGee Chemical Corporation* v. *United States of America*, Docket No. 407—88 L (United States Claims Court); and *Global Exploration and Development Corporation* v. *United States of America*, Docket No. 587-88 L (United States Claims Court).

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The resolution was agreed to.

The title of the resolution was amended so as to read: "Resolution referring to the chief judge of the U.S. Claims Court the bill (H.R. 477) for the relief of Global Exploration and Development Corp., Kerr-McGee Corp. and Kerr-McGee Chemical Corp."

A motion to reconsider was laid on the table.

TREVOR HENDERSON

The Clerk called the Senate bill (S. 249) for the relief of Trevor Henderson.

There being no objection, the Clerk read the Senate bill as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF CLAIM.

The Secretary of the Treasury shall pay, out of the Department of Defense Military Retirement Fund, to Trevor Henderson of Malvern, Iowa, the sum of $48,878.04. Such sum shall be in full satisfaction of any claim of Trevor Henderson for survivor annuity amounts payable under subchapter II of chapter 73 of title 10, United States Code, for the period beginning on December 1, 1973, and ending on July 31, 1981.

SEC. 2. LIMITATION ON AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount that exceeds 10 percent of the sum described in section 1 to be paid to or received by an agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY P. CARLTON AND LEE ALAN TAN

The Clerk called the Senate bill (S. 295) for the relief of Mary P. Carlton and Lee Alan Tan.

There being no objection, the Clerk read the Senate bill as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR MARY P. CARLTON AND LEE ALAN TAN

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Mary P. Carlton, the widow of a citizen of the United States, and Lee Alan Tan, the stepchild of a citizen of the United States, shall be considered to be immediate relatives within the meaning of section 201(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in these cases.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Mary P. Carlton and Lee Alan Tan apply to the Attorney General for immigrant visas pursuant to such subsection within 2 years after the date of enactment of this Act.

With the following committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert the following:

SECTION 1. IMMEDIATE RELATIVE STATUS FOR MARY P. CARLTON AND LEE ALAN TAN

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Mary P. Carlton, the widow of a citizen of the United States, and Lee Alan Tan, the stepchild of a citizen of the United States, shall be considered to be immediate relatives within the meaning of section 201(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in these cases.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Mary P. Carlton applies to the Attorney General, on behalf of herself and Lee Alan Tan, for adjustment of status pursuant to such subsection within 2 years after the date of the enactment of this Act.

(c) ADJUSTMENT OF STATUS.—Mary P. Carlton and Lee Alan Tan shall be considered to have been lawfully admitted to the United States, and be eligible for processing, for purposes of adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Mary P. Carlton and Lee Alan Tan shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANE E. DENNE

The Clerk called the Senate bill (S. 992) to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, NV.

There being no objection, the Clerk read the Senate bill as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of sections 5724 and 5724a of title 5, United States Code, Jane E. Denne of Henderson, Nevada is deemed to be an employee transferred by the Environmental Protection Agency from one official station to another for permanent duty in the interest of the Government without a break in service for travel by such employee from Lawrence, Kansas to Las Vegas, Nevada, in December 1986.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE PEOPLE ARE HUNGRY FOR CHANGE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I just returned from Kentucky where I joined the Clinton-Gore 1,000-mile barnstorm bus tour on its leg from General Butler State Park down to Louisville where we had a townhall meeting last night.

In that day, Mr. Speaker, I saw thousands upon thousands of people, and it is very clear that the people are hungry for a change. They are hungry for a change from a government of impasse, and gridlock and deadlock to a government that works for them.

□ 1210

I could not help but think, as I looked out at the crowd, of the number of vetoes that the President has cast which have added to the sense of impasse: The veto of the campaign finance reform bill which would have returned Government to the people by getting rid of some of the big money that influences politics; the veto of the motor-voter bill which reduces barriers to people registering and encourages them to vote; the veto of the civil rights bill; the veto of the family and medical leave bill which recognizes changes in today's workplace; and, the veto of the tax bill which returns fairness to the code.

Mr. Speaker, the people are anxious and hungry for change, and Clinton-Gore is a ticket for change.

IN SUPPORT OF UNCONDITIONAL MOST FAVORED NATION FOR CHINA

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, today, the House will once again debate renewing most-favored-nation trade status for the People's Republic of China. And once again, I expect this debate will focus too much on the people of China rather than on our people, our constituents, here at home.

My Nebraska constituents depend on agriculture, and I believe they deserve our consideration in this debate.

We will be asked today to deny most-favored-nation to China or make most-favored-nation conditional. Neither policy would significantly alter China's domestic policies. But both would give China reason to retaliate by ceasing to purchase United States goods.

Retaliation would hit agriculture first and hard. For example, a report I requested concluded that net farm income would decline by $100 million each year through 1994, wheat carryover stocks would increase, along with Federal spending, if China stops buying United States wheat and takes its business to the European Community and Canada.

I do sympathize with my colleagues' passionate feelings about the human rights abuses in China. But they ignore that promotion of fundamental human rights are at the forefront of the President's foreign policy objectives toward China. And those policies have seen success.

I will support unconditional most-favored-nation for China. I do not wish to remove the powerful instrument of trade for promoting reform. And I will not vote to punish our working families and farmers with wishful thinking about changes in China.

I urge my colleagues to oppose House Joint Resolution 502 and H.R. 5318.

TRADE AND TAX POLICY KILLING AMERICAN JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Alan Greenspan said the economy is improving. Can you believe that?

America's trade deficit jumped up again last month to $7.5 billion. Imports keep flooding America.

The truth is that the problem is not the value of the dollar. The problem is not the value of our product. The problem is not the American worker, when Congress pays farmers not to farm.

The problem is our Government, Government that allows Japan to rip us off with legal trade, allows China free access to our markets, paying 17 cents an hour wages, and allows Mexico to steal our jobs.

Mr. Speaker, but what is worse, both President Bush and Governor Clinton are about the same on trade, and what I have to say is call in the dogs, throw coffee grounds on the fire, because the hunting is over for a lot of American workers unless somebody gets some change in this trade and tax policy that is killing American jobs.

THE WELFARE BUREAUCRACY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, last week, USA Today published a shocking statistic: "Today our welfare bureaucracy takes over 90 cents of every $1 collected in the name of the poor."

An article written by Patrick Cox, an associate policy analyst for the Competitive Enterprise Institute, also said that "for 50 years, poverty has increased in direct proportion to the growth of Government."

Why is this? As I have said before big Government really only helps the bureaucrats who work for it and extremely big businesses.

The people get the leftover crumbs, if anything at all.

As Mr. Cox pointed out in his article, the poor are hurt in two ways.

First, all the money taken by our very wasteful Federal bureaucracy means less money for individuals and companies which create wealth and jobs, and this bleeds wealth from our economy and steals opportunity from the poor.

Second, even worse, more money for Government means less money for families, private charities, and religious organizations, which are the best and most efficient welfare agencies in existence today.

The poor would be much better off if we could eliminate our Federal welfare bureaucracy.

Mr. Speaker, the article to which I referred is included as follows:

WELFARE JUST WON'T WORK

Among the problems that government simply cannot solve, regardless of the levels of wishful thinking or taxation, poverty is foremost. There are several reasons for this unhappy fact.

The first is that government agencies operate according to absolutely irrevocable laws of behavior. A large bureaucracy will always seek to eliminate any threat to its existence or any responsibility for its decisions. These traits disallow the intense, sensitive and individual attention needed if the poor are to escape the cycle of poverty and dependence. Today, our welfare bureaucracy takes over 90 cents of every $1 collected in the name of the poor. Furthermore, revelations of welfare fraud still are commonplace.

This massive diversion of funds into nonproductive uses hurts the poor twice. It is money taken from the economic machine that produces wealth. And those at the lower end of the economic spectrum are most affected by the overall level of national capital. All government waste, and that waste is overwhelming, bleeds health from our economy and steals opportunity from the poor.

The other effect of this diversion is even worse. Government diverts money away from families, charities and religious organizations, the only true institutions of social welfare.

For 50 years, poverty has increased in direct proportion to the growth of government. Today, the field known as "chaos mathematics" is providing breakthrough proofs and explanations for the inability of a centralized government to accomplish delicate social goals.

Nevertheless, those who oppose government welfare are dismissed as cold-hearted misanthropes by those who would rather tilt at windmills than solve problems.

SUPPORT URGED FOR RICHARDSON AMENDMENT TO WASTE ISOLATION PILOT LAND WITHDRAWAL ACT OF 1992

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today the House will vote on the first new Department of Energy facility to open in 30 years—the waste isolation pilot plant [WIPP] in New Mexico. In fact, WIPP will be the first permanent nuclear waste disposal facility in the world.

As we consider WIPP legislation today, we have a chance to avoid the environmental contamination problems that have plagued other DOE facilities historically. I will be offering an amendment that requires the Department of Energy to demonstrate that WIPP will comply with the Environmental Protection Agency's standards for radioactive waste disposal before any radioactive waste is emplaced in WIPP.

The Department of Energy, however, wants to emplace nuclear waste inside WIPP before the facility has met EPA standards, despite a report from the National Academy of Sciences stating that DOE's proposal has no discernable scientific basis.

I urge my colleagues to consider my amendment carefully because the whole world will be watching how this country chooses to proceed with the first nuclear waste disposal facility ever. Will this country choose to open WIPP in a scientific manner, or for political reasons?

The League of Conservation Voters, who releases an environmental scorecard at the end of the year, will also be watching your vote closely. The League of Conservation Voters and all environmental organizations strongly support my amendment because it provides the best protection for human health and the environment.

Mr. Speaker, I urge my colleagues to consider the amendment. We should not open WIPP unless for scientific reasons rather than political reasons.

COURAGE NECESSARY TO REDUCE SIZE OF GOVERNMENT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the concern about the deficit has disappeared, disappeared as quickly as the early candidates for the Democrat Presidential nomination.

I am really disappointed in that. Democrat leaders stood here just less than a month ago and said:

> We do not need a constitutional amendment. We do not need that discipline. We just need to make the hard decisions.

Well, they have not made those hard decisions for 30 years, and there is no evidence that I can imagine that is going to cause that to change.

I just spent 10 days in Wyoming in little communities like Shell, Basin, and Greybull and Cody, and the issue most often mentioned was the deficit and the irresponsible spending in this Government.

People know that Government cannot go on this way. Now is the time to prove during this appropriations process that we can make hard decisions.

It is also time for Presidential candidates to stop promising things to everybody and say it is going to be painless. It is not. We are going to have to make some hard decisions.

I think it is time to make the courage to reduce the size of Government.

INTRODUCTION OF LEGISLATION TO REVERSE RU 486 POLICY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Margaret Sanger was arrested many times for distributing diaphragms in this country and was named the American Woman of the Century for so doing. Women have been arrested for

bringing IUD's into this country, and, again, people stood up and said, "No, we do not want the Federal Government interceding and calling these things politically incorrect."

Once again the Federal Government has brought down the entire wrath of the Government on an individual trying to bring in RU 486 to this country so she could have an abortion through the pill rather than going under surgery. I think once again, the American public will stand up and be very offended that the Federal Government is trying to call certain kinds of things politically incorrect.

I am introducing two bills today to reverse this and say that America, too, can join the 21st century, and we, too, can be progressive about this, and in the great tradition of Margaret Sanger and others, we will be able to handle this in the future.

GOVERNOR CLINTON'S "NEW COVENANT": TRUST ME

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, now that Mr. Clinton is officially the Democratic Presidential nominee, it is appropriate that we begin to examine and discuss his economic plan. It is a plan that he himself appears to be moving away from for he failed to mention it in his own acceptance speech last Thursday.

It calls for $220 billion in new Federal spending. In reality, this plan does one fundamental thing—raise taxes. It raises taxes and fees by $150 billion over 4 years and imposes expensive, mandatory benefits on many individuals and job-creating small businesses, thus discouraging payroll expansion.

If the Governor seriously wants Congress to attack the deficit, why did he not call on his party to pass a balanced budget amendment? Why did he not demand a line-item veto? As Governor, he has both in Arkansas. In 54 minutes, he could have found time.

The Governor could have found time to tell those Members of Congress present that we cannot afford any more wasteful spending, so cut the pork out of the budget and make his job easier, but he did not.

Instead, Bill Clinton attacked the President for 54 minutes, but never told us how he would reduce the deficit. Every American should see that when it comes to the deficit, Governor Clinton's new covenant can be translated—trust me.

□ 1220

RU–486, POLITICAL AGENDA OF THE FOOD AND DRUG ADMINISTRATION

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, it is hard for private citizens to stand up against their government, even when that government has taken action which is demonstrably political and demonstrably wrong. That is what has happened with the French drug RU–486. What has happened is the Food and Drug Administration in an effort to carry out a political agenda has adopted an import alert which allows them to seize this drug at our borders without evidence of a safety problem, without any evidence of illegal importation and without any evidence that a black market for this drug has developed.

What is especially frightening is that this procedure threatens many of the drugs of the future. They are going to be dual-purpose drugs that can attack cancer, breast and ovarian cancer, as well as induce abortion.

Let us make sure that this part of the Food and Drug Administration policy is based on science and medical progress, not politics. Let us repeal the import alert and pass the Schroeder bill.

HISTORY AND THE DEMOCRATS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, we have just spent a week watching the Democrats in New York City mischaracterizing the last 12 years as disastrous years due to a gridlock between Congress and the White House. They in turn then called on the American people to elect the Democrat Bill Clinton and give us a unified Democrat control of the entire Government.

Well, if we examine the last time they had such control, we would know that such a mistake would not be within the purview of the American people.

For example, on July 16, 1979, the U.S. News & World Report magazine covering President Jimmy Carter's plans to freeze U.S. oil imports, including renewed demands on Congress to grant him authority to order gasoline rationing, which of course the Democrat Congress did.

Carter also wanted Presidential authority to regulate temperatures in private buildings.

The magazine reported further:

> Confusion in the White House surfaced with Carter's announcement and then abrupt cancellation of a July 5 television speech on energy. Instead, the President went to Camp David and called in a wide range of official and unofficial advisors—including * * * labor leaders, environmentalists, consumer spokesmen and others in an attempt to address not only fuel problems but other pressing issues including rampant inflation. * * *

In his 1980 economic report, Carter told Americans that "reducing inflation from the 10 percent expected in 1980 to 3 percent in 1983 would be an * * * unrealistic expectation." It wasn't an unrealistic expectation for Reagan and Bush who brought the inflation rate down to 3.2 percent by 1983.

This malaise moment in history was brought to you by the National Democrat party only 13 years ago this month, the last time they controlled Congress and the White House.

THE TICKET FOR CHANGE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the Republican ticket of George Bush and DAN QUAYLE is the ticket for continued drift in this country.

The Democratic ticket of Bill Clinton and AL GORE is the ticket for change in this country.

Consider the economy.

A year ago, President Bush said, there is no recession. Then, the recession is over. Then, the recession is still over. Then, finally, the recession will soon be over.

Now, the Administration is trying to figure out if it should do something. That is always a challenge for a President whose real objective is to hold office, not to do something with it.

The President's old trickle-down proposals, according to the Republican leader of the other body are "not going to turn the economy around." So, the Bush-Quayle campaign manager says they may add "a little something" to those old proposals.

Bill Clinton and AL GORE offer much more than just a little something different. They offer real change.

Bill Clinton and AL GORE understand what is going on in this country. They understand how people are working harder than ever just to keep from falling further behind.

Bill Clinton and AL GORE will put the American people first. They will revitalize our economy. They will invest in our future—with educational opportunities, with better skills for better jobs. They understand the critical need to extend health care coverage to all.

Clinton-Gore is the ticket—the ticket for change.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, amidst all the hoopla of the Democratic National Convention last week, then the Thursday announcement by Ross Perot that he would not announce his candidacy for President, a very important event took place which got little attention.

President Bush and Mexican President Carlos Salinas de Gortari met in San Diego to try to move ahead as quickly as possible the negotiations to establish a North American Free-Trade Agreement.

Now, it is an issue which has been hotly debated here, and we want to do everything we can to bring an end to the rapid flow of United States business to Mexico, so opening up an opportunity for us to export into Mexico and improve their economy is something that is very important.

The Los Angeles Times in an editorial on Sunday said that unfortunately there are factions within the Democratic Party that have "a visceral" and in fact "irrational" opposition to the establishment of a North American Free-Trade Agreement.

Mr. Speaker, I hope very much that we can move ahead with it as quickly as possible.

I would like to close by providing the follow-up to the 1-minute speech of the gentleman from Texas [Mr. ARMEY] in which he wished to add:

In his 1980 economic report, President Carter told Americans that "reducing inflation from the 10 percent expected in 1980 to 3 percent in 1983 would be an unrealistic expectation."

We all know that a return to a Democrat President and Congress would all but guarantee economic devastation the likes of which we have not witnessed since the Carter legacy.

CHANGE OUR AIDS/HIV IMMIGRATION POLICY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, last night I returned from the eighth annual International Conference on AIDS being held in Amsterdam. Ten thousand people came to Amsterdam because they would not come to Boston, where the conference originally was to take place. The conference had to be moved out of the United States because of our immigration policy, a policy based on ignorance and bigotry, not on humane medical science. That policy says that visitors infected with HIV can be banned from coming into our country.

Next week, the Olympics begin in Spain. I wonder what our reaction would be if Magic Johnson were not allowed to attend the games in Barcelona because of discriminatory policies like ours. Imagine our outrage if he were not allowed to play on the Dream Team.

Our immigration policy toward HIV infected people reflects the Bush administration's continuing capitulation to hysteria, bigotry, and irrational fear. Once again, George Bush has embarrassed and isolated the United States in the international community.

I urge my colleagues to help our Nation deal with the epidemic of AIDS as a public health emergency requiring our honesty, compassion, and courage.

DIRECT PRESIDENTIAL PRIMARIES AND DIRECT GENERAL ELECTIONS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the Democrat Convention is over. The Republican Convention soon will be, and it is great theater. It is great television, but I think that it is time to start thinking about direct Presidential primaries and direct general elections.

You know, we give the nomination of the candidates to other people other than the people themselves. We elect delegates and they go to the convention and they vote for whoever they want.

When you vote in the general election, you elect members of the electoral college and then they present their ballots and they can vote for whoever they want.

Now, they usually do vote for the President for whom they have been chosen to do so, but I think it is time that we gave the vote back to the people. We should have the faith in the people that Thomas Jefferson had.

Mr. Speaker, I think it is time to come out of the Dark Ages and into the world of today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote on the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day.

MISCELLANEOUS REVENUE ACT OF 1992

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2735) to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation applicable to regulated investment companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Revenue Act of 1992".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—MISCELLANEOUS REVENUE PROVISIONS

Subtitle A—Income Tax Provisions

SEC. 101. APPLICATION OF PRIVATE INUREMENT RULE TO TAX-EXEMPT CIVIC LEAGUES.

(a) IN GENERAL.—Paragraph (4) of section 501(c) (relating to list of exempt organizations) is amended to read as follows:

"(4)(A) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(B) Local associations of employees—

"(i) the membership of which is limited to the employees of a designated person or persons in a particular municipality,

"(ii) which is operated exclusively for charitable, educational, or recreational purposes, and

"(iii) no part of the net earnings of which inures to the benefit of any private shareholder or individual."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 102. PROVISIONS RELATED TO S CORPORATIONS.

(a) S CORPORATIONS PERMITTED TO HAVE 50 SHAREHOLDERS.—Subparagraph (A) of section 1361(b)(1) (defining small business corporation) is amended by striking "35 shareholders" and inserting "50 shareholders".

(b) S CORPORATIONS ELIGIBLE FOR RULES APPLICABLE TO REAL PROPERTY SUBDIVIDED FOR SALE BY NONCORPORATE TAXPAYERS.—Subsection (a) of section 1237 (relating to real property subdivided for sale) is amended by striking "other than a corporation" in the material preceding paragraph (1) and inserting "other than a C corporation".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. TREATMENT OF LIVESTOCK SOLD ON ACCOUNT OF WEATHER-RELATED CONDITIONS.

(a) DEFERRAL OF INCOME INCLUSION.—Subsection (e) of section 451 (relating to special rules for proceeds from livestock sold on account of drought) is amended—

(1) by striking "drought conditions, and that these drought conditions" in paragraph (1) and inserting "drought or other weather-related conditions, and that such conditions", and

(2) by inserting "OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(b) INVOLUNTARY CONVERSIONS.—Subsection (e) of section 1033 (relating to livestock sold on account of drought) is amended—

(1) by inserting "or other weather-related conditions" before the period at the end thereof, and

(2) by inserting "OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1992.

SEC. 104. PRIVATE FOUNDATIONS PERMITTED TO USE COMMON INVESTMENT FUNDS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.—

"(1) IN GENERAL.—For purposes of this title, if an organization—

"(A) is organized and operated solely for purposes referred to in subsection (f)(1),

"(B) is comprised solely of members which are exempt from taxation under subsection (a) and are—

"(i) private foundations, or

"(ii) community foundations as to which section 170(b)(1)(A)(vi) applies,

"(C) has at least 20 members,

"(D) does not at any time after the second taxable year beginning after the date of its organization, or, if later, beginning after the date of the enactment of this subsection, have a member which holds more than 10 percent (by value) of the interests in the organization,

"(E) is organized and controlled by its members but is not controlled by any one member and does not have a member which controls another member of the organization, and

"(F) permits members of the organization to require the dismissal of any of the organization's investment advisors, following reasonable notice, upon a vote of the members holding a majority of interest in the account managed by such advisor,

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes.

"(2) TREATMENT OF INCOME OF MEMBERS.—If any member of an organization described in paragraph (1) is a private foundation (other than an exempt operating foundation, as defined in section 4940(d)), such private foundation's allocable share of the capital gain net income and gross investment income of the organization for any taxable year of the organization shall be treated, for purposes of section 4940, as capital gain net income and gross investment income of such private foundation (whether or not distributed to such foundation) for the taxable year of such private foundation with or within which the taxable year of the organization described in paragraph (1) ends (and such private foundation shall take into account its allocable share of the deductions referred to in section 4940(c)(3) of the organization).

"(3) APPLICABLE EXCISE TAXES.—Subchapter A of chapter 42 (other than sections 4940 and 4942) shall apply to any organization described in paragraph (1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

SEC. 105. DEPRECIATION PERIOD FOR TUXEDOS HELD FOR RENTAL.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to classification of property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end thereof the following new clause:

"(iii) any tuxedo held for rental."

(b) 2-YEAR CLASS LIFE.—The table contained in section 168(g)(3)(B) is amended by inserting above the item relating to subparagraph (B)(ii) the following new item:

"(A)(iii) ..... 2".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1992.

SEC. 106. DEDUCTION BY PERSONAL SERVICE CORPORATION OF CERTAIN ACCRUED YEAR-END COMPENSATION PAYABLE TO EMPLOYEE-OWNERS.

(a) IN GENERAL.—Section 267 (relating to losses, expenses, and interest with respect to transactions between related taxpayers) is amended by adding at the end thereof the following new subsection:

"(h) YEAR-END REGULAR COMPENSATION PAID TO EMPLOYEE-OWNERS OF PERSONAL SERVICE CORPORATION.—

"(1) IN GENERAL.—In the case of a designated personal service corporation, the last sentence of subsection (a)(2) shall not apply to qualified compensation to be paid by such corporation to any employee who is not a key employee (as defined in section 416(i)).

"(2) QUALIFIED COMPENSATION.—For purposes of paragraph (1), the term 'qualified compensation' means compensation payable to an employee for the payroll period ending at the close of such corporation's taxable year if—

"(A) such payroll period is a semi-monthly or shorter period,

"(B) such employee is regularly paid on the basis of semi-monthly or shorter payroll periods, and

"(C) such compensation is solely for hours of service performed or is such payroll period's ratable share of such employee's annual basic rate of compensation.

"(3) DESIGNATED PERSONAL SERVICE CORPORATION.—For purposes of paragraph (1), the term 'designated personal service corporation' means any personal service corporation (within the meaning of section 441(i)(2)) using an accrual method of accounting for its last taxable year ending before the date of the enactment of this subsection."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1992.

SEC. 107. TREATMENT OF PARTNERSHIP INVESTMENT EXPENSES UNDER MINIMUM TAX.

(a) GENERAL RULE.—Subparagraph (A) of section 56(b)(1) (relating to limitation on deductions) is amended to read as follows:

"(A) DISALLOWANCE OF CERTAIN DEDUCTIONS.—

"(i) IN GENERAL.—No deduction shall be allowed—

"(I) for any miscellaneous itemized deduction (as defined in section 67(b)), or

"(II) for any taxes described in paragraph (1), (2), or (3) of section 164(a).

"(ii) TREATMENT OF PARTNERSHIP INVESTMENT EXPENSES.—Subclause (I) of clause (i) shall not apply to the taxpayer's distributive share of the expenses described in section 212 of any partnership; except that the aggregate amount allowed as a deduction by reason of this sentence shall not exceed the lesser of (I) the aggregate adjusted investment income of the taxpayer from partnerships, or (II) the excess of the aggregate of the taxpayer's distributive shares of such expenses over 2 percent of adjusted gross income. For purposes of the preceding sentence, the term 'adjusted investment income' means investment income (as defined in section 163(d)(4)(B)) reduced by investment interest (as defined in section 163(d)(3)).

"(iii) TREATMENT OF CERTAIN TAXES.—Subclause (II) of clause (i) shall not apply to any amount allowable in computing adjusted gross income."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

SEC. 108. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY.

(a) NONMEMBER INCOME.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), 50 percent of the income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative."

(2) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end thereof the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company.".

(3) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) is amended by inserting before the comma at the end thereof ", other than income described in subparagraph (E)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1992.

(5) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this subsection shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

(b) TREATMENT OF CERTAIN INVESTMENT INCOME OF MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(F) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account reserve income (as defined in section 512(d)(2)) if such income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, does not exceed 35 percent of the company's total income. For the purposes of the preceding sentence, income referred to in subparagraph (B) shall not be taken into account."

(2) PORTION OF INVESTMENT INCOME SUBJECT TO UNRELATED BUSINESS INCOME TAX.—Section 512 is amended by adding at the end thereof the following new subsection:

"(d) INVESTMENT INCOME OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

"(1) IN GENERAL.—In determining the unrelated business taxable income of a mutual or cooperative telephone company described in section 501(c)(12)—

"(A) there shall be included, as an item of gross income derived from an unrelated trade or business, reserve income to the extent such reserve income, when added to other income not collected from members for

the sole purpose of meeting losses and expenses, exceeds 15 percent of the company's total income, and

"(B) there shall be allowed all deductions directly connected with the portion of the reserve income which is so included.

For purposes of the preceding sentence, income referred to in section 501(c)(12(B) shall not be taken into account.

"(2) RESERVE INCOME.—For purposes of paragraph (1), the term 'reserve income' means income—

"(A) which would (but for this subsection) be excluded under subsection (b), and

"(B) which is derived from assets set aside for the repair or replacement of telephone system facilities of such company."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1992.

SEC. 109. DISCHARGE OF INDEBTEDNESS INCOME FROM PREPAYMENT OF REA LOANS.

(a) IN GENERAL.—Subparagraph (C) of section 501(c)(12) is amended by striking "or" at the end of clause (i), by striking ", 306B," in clause (ii), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end thereof the following new clause:

"(iii) from the prepayment of a loan under section 306B of the Rural Electrification Act of 1936 (as in effect on January 1, 1991)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to prepayments made after December 31, 1992.

SEC. 110. TREATMENT OF CANCELLATION OF CERTAIN STUDENT LOANS.

(a) IN GENERAL.—Paragraph (2) of section 108(f) (defining student loan) is amended by striking subparagraph (D) and inserting the following:

"(D) any educational organization so described if such loan is made—

"(i) pursuant to an agreement with any entity described in subparagraph (A), (B), or (C) under which the funds from which the loan was made were provided to such educational organization, or

"(ii) pursuant to a program of such educational organization designed to encourage its students to serve in occupations with unmet needs or in areas with unmet needs; except that this clause shall not apply in the case of any discharge if the discharge is on account of services performed for any employer and such employer directly or indirectly provides funds for such discharge.

The term 'student loan' includes any loan made by an educational organization so described or by an organization exempt from tax under section 501(a) to refinance a loan meeting the requirements of the preceding sentence."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges of indebtedness after the date of the enactment of this Act.

SEC. 111. STUDY OF SEMI-CONDUCTOR MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—The Secretary of the Treasury or his delegate shall conduct a study of semi-conductor manufacturing equipment to determine the appropriate recovery period and class life under section 168 of the Internal Revenue Code of 1986 for such equipment.

(b) REPORT.—The report of such study shall be submitted before April 1, 1993, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Subtitle B—Provisions Relating to Other Taxes

SEC. 121. CLARIFICATION OF EMPLOYMENT TAX STATUS OF CERTAIN FISHERMEN.

(a) AMENDMENTS OF INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF SIZE OF CREW.—Subsection (b) of section 3121 (defining employment) is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(2) CERTAIN CASH REMUNERATION PERMITTED.—Subparagraph (A) of section 3121(b)(20) is amended to read as follows:

"(A) such individual does not receive any cash remuneration other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed $100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry,".

(b) AMENDMENT OF SOCIAL SECURITY ACT.—

(1) DETERMINATION OF SIZE OF CREW.—Subsection (a) of section 210 of the Social Security Act is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(2) CERTAIN CASH REMUNERATION PERMITTED.—Subparagraph (A) of section 210(a)(20) of such Act is amended to read as follows:

"(A) such individual does not receive any additional compensation other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed $100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 122. CLARIFICATION OF EXEMPTION FROM FIREARMS TAX FOR RELOADING OF SHELLS AND CARTRIDGES SUPPLIED BY CUSTOMER.

(a) IN GENERAL.—Section 4182 (relating to exemptions from firearms tax) is amended by adding at the end thereof the following new subsection:

"(d) RELOADING OF CUSTOMER-SUPPLIED SHELLS AND CARTRIDGES.—No tax shall be imposed by section 4181 on the reloading of previously used shells and cartridges supplied by a customer if the reloaded shells and cartridges returned to the customer—

"(1) are previously used shells and cartridges supplied by such customer or any other customer, and

"(2) are identical in type and quantity to the shells and cartridges supplied by such customer."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 123. CERTAIN CASH RENTALS OF FARMLAND NOT TO CAUSE RECAPTURE OF SPECIAL ESTATE TAX VALUATION.

(a) IN GENERAL.—Subsection (c) of section 2032A (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new paragraph:

"(8) CERTAIN CASH RENTAL NOT TO CAUSE RECAPTURE.—For purposes of this subsection, a qualified heir shall not be treated as failing to use property in a qualified use solely because such heir rents such property on a net cash basis to a lineal descendant of such heir or to the spouse of such a lineal descendant."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE II—REVENUE OFFSETS

SEC. 201. REPEAL OF SPECIAL RULES FOR RENTAL USE OF DWELLING FOR LESS THAN 15 DAYS PER YEAR.

(a) IN GENERAL.—Subsection (g) of section 280A (relating to disallowance of certain expenses in connection with business use of home, rental of vacations homes, etc.) is amended to read as follows:

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations providing such de minimis rules as the Secretary may deem appropriate."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

SEC. 202. INCREASE IN CASUALTY LOSS DEDUCTIBLE.

(a) IN GENERAL.—Paragraph (1) of section 165(h) (relating to treatment of casualty gains and losses) is amended—

(1) by striking "$100 LIMITATION" in the heading and inserting "LIMITATION", and

(2) by striking "$100" in the text and inserting "$500".

(b) LOSS DEDUCTIBLE INDEXED FOR INFLATION.—Subsection (h) of section 165 is amended by adding at the end thereof the following new paragraph:

"(5) INFLATION ADJUSTMENT OF PER CASUALTY LIMITATION.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2735, the bill now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may need.

Mr. Speaker, I rise in support of H.R. 2735, the Miscellaneous Revenue Act of 1992.

This bill contains 17 miscellaneous previsions which make minor but necessary improvements to the tax laws. These provisions were proposed by Members on both sides of the aisle, and were examined carefully by the committee to ensure that they are noncontroversial from a policy perspective, cost relatively little revenue, and are not retroactive in effect. I want to assure my colleagues that this bill contains no so-called rifleshots.

The bill would make limited, generally protaxpayer changes in the rules governing tax-exempt organizations, S corporations, personal service corporations, estate tax recapture, the alternative minimum tax, telephone cooperatives, depreciation, the discharge of indebtedness, the application of the excise tax on ammunition, the employment tax status of fishermen, and the sale of livestock.

Each of these provisions has a minimal revenue cost. Together they are paid for by tightening the rules governing the rental of residences and the deduction of casualty losses.

Specifically, H.R. 2735 would make the following changes in the tax laws:

First, require that the net earnings of tax-exempt social welfare organizations not inure to the benefit of any private shareholder or individual;

Second, make S corporations eligible for rules applicable to real property subdivided for sale by noncorporate taxpayers;

Third, increase the maximum number of shareholders that an S corporation may have from 35 to 50;

Fourth, modify the special rules applicable to sales or exchanges of livestock on account of drought to apply in the case of any other weather-related natural disaster;

Fifth, permit private foundations to form common investment funds;

Sixth, reduce the cost recovery period for tuxedos held for rental to two years;

Seventh, modify the treatment of certain compensation payable by certain personal service companies;

Eighth, expand the excise tax exception for certain reloaded ammunition;

Ninth, allow certain investment expenses to be deducted for AMT purposes;

Tenth, modify the present-law employment tax exemption for certain fishermen;

Eleventh, modify the treatment of amounts received by telephone cooperatives;

Twelfth, extend certain treatment of discharge of indebtedness income from prepayment of REA loans at a discount;

Thirteenth, modify estate tax recapture rules applying to cash leases of specially valued property;

Fourteenth, conform the treatment of discharge of indebtedness income from certain student loans;

Fifteenth, require a Treasury study on the depreciation of semiconductor manufacturing equipment;

Sixteenth, require taxpayers to include on their returns income from rental of a residence without regard to the period of the rental; and

Seventeenth, increase the casualty loss deductible from $100 to $500.

Mr. Speaker, H.R. 2735 is revenue-neutral as reported by the Committee on Ways and Means. It is noncontroversial, and makes much-needed improvements in present law. It deserves the support of all Members of the House, and I urge its adoption.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important that Members understand how H.R. 2735 was developed.

The chairman of the Ways and Means Committee asked all of the members of the committee to submit lists of minor, but nonetheless important, tax equity issues that had come to their attention. The staff then, on a bipartisan basis, reviewed the approximately 300 items that were submitted and reported back to the Members those that met several stringent tests. Those tests required provisions to be without controversy, of relatively small cost, not retroactive, not targeted relief, and not in the foreign tax or health areas.

The result of that effort, which was approved by the committee is H.R. 2735. It contains 13 somewhat narrow taxpayer-favorable adjustments to the tax law. These provisions include:

Making S corporations eligible for existing special rules for the subdivision of real property.

Increasing the number of permitted shareholders in an S corporation from 35 to 50.

Modifying the treatment of livestock sold on account of weather-related natural disasters.

Permitting private foundations to establish common investment funds.

Modifying the depreciation period for rental tuxedos.

Modifying the treatment of certain compensation payable by personal service corporations.

Expanding an excise tax exception for certain reloaded ammunition.

Allowing certain investment expenses to be deducted for purposes of the alternative minimum tax.

Modifying the employment tax status for fishermen.

Modifying the treatment of certain amounts received by telephone cooperatives.

Extending certain treatment of discharge of indebtedness income from prepayment of Rural Electrification Administration loans at a discount.

Modifying the estate tax recapture from cash leases of specially valued property such as farms.

Conforming the treatment of discharge of indebtedness income from certain student loans.

In addition, the bill also contains a provision extending the rules against private inurement of tax-exempt organization income to tax-exempt organizations described in section 501(c)(4) of the Internal Revenue Code. It also has a provision directing the Treasury to study the proper depreciation period for semi-conductor manufacturing equipment.

The provisions I listed above contain the good news.

Unfortunately, the budget act also requires revenue raising offsets for the other provisions. There are two offsets, and Members should be aware of them.

The first repeals a longstanding rule of administrative convenience that told taxpayers who receive payment for renting a residence for 14 days or less during a year that they did not have to account for either the rental income or rental expenses.

The rationale for this rule of administrative convenience had been questioned in isolated cases such as where residences near the Los Angeles Olympics were rented for $1,000 per day or more. It is my understanding that the Treasury would be required under the bill to create new de minimis rules of administrative convenience.

The second revenue offset is more troubling.

It increases the current law threshold for the deduction of casualty losses from $100 per casualty to $500 per casualty. The $500 figure would be indexed for inflation. This provision will impact, by definition, only those taxpayers who have suffered a significant casualty loss—for example a fire, earthquake, tornado, or theft—that is not covered by insurance.

It must also be noted that while the bill generates $93 million over the 5-year period, H.R. 2735—as currently drafted—technically violates the budget act's pay-as-you-go requirements by $26 million in 1993 under OMB scorekeeping. That would provoke a senior advisors veto recommendation if the bill were to be sent to the President in its current form. I have been assured, however, that the President will sign the bill if that shortfall is eliminated before it reaches his desk.

It's my understanding that Chairman ROSTENKOWSKI has agreed that we will not send the bill to the President unless the year-by-year, pay-as-you-go problem is eliminated—and I certainly

intend to work with him in that regard.

I support the passage of H.R. 2735. The changes it makes in the Tax Code to correct inequities in current law are overdue and should be enacted.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in total support of H.R. 2735.

I rise in strong support for H.R. 2735 in great part because it includes provisions from my legislation, H.R. 4512, that would lift a regulatory burden and allow commercial ammunition reloading firms to process customers shells en masse.

Mr. Speaker, a business in my district brought to my attention last January this rather ridiculous, bureaucratic burden being imposed on it by the Bureau of Alcohol, Tobacco, and Firearms [BATF].

The problem is created by the way the BATF is interpreting and applying section 4181 of the Internal Revenue Code. Under current regulations, BATF requires ammunition remanufacturers to return to customers the identical shells sent in for reloading. This forces the reloading firm to halt operations, recalibrate equipment, and then process a customer's shells independently of others, all in order to avoid inadvertently transferring the possible liability for the 11-percent excise tax on ammunition sales from the customer back to the remanufacturer.

My bill would merely clarify that the reloader must return the same type and quantity of shells that the customer sent in to be reloaded rather than the exact shells. This should allow the reloading firms to make more efficient use of their equipment and avoid a regulatory headache by processing several customers' shells at one time. My bill would make no change in either the manufacturers' or customer's liability for the 11-percent excise tax. As such, the technical clarification should not result in any loss of revenue, other than BATF's administrative adjustments.

I wish to make a couple of clarifying remarks as to the intent of H.R. 4512 in order to avoid any wrong impression as to why I introduced this legislation.

First, my intention was not to change in any way or remove anyone from tax liability or responsibility. Current statute requires the customer to pay the excise tax on reloaded ammunition if it is not used for the customer's personal use. And current law requires the remanufacturer to pay the excise tax if it sells reloaded ammunition to customers who didn't originally supply the manufacturer with the empty cases. My bill simply allows this relationship between reloader and customers to continue without the regulatory impediment of reloaders having to separate out each customer's shells. The only obligation on the part of the remanufacturer of shells under H.R. 4512 is that the remanufacturer return the same type and quantity of shells to the customer. In other words, if the customer sends in 45 casings of .38 special, the customer should receive back from the reloader 45 rounds of .38 special.

Second, there have been some questions raised that when the bill requires that the identical type and quantity of shells be returned to the customer, it means that the customer must receive not only the same quantity but also the same brand. I guess some believe that if one sends in 45 casings of .38 special originally manufactured by Remington or are nickel-plated, then the customer must receive back 45 rounds of .38 special with Remington or nickel-plated casings.

Rather, the intent in my legislation is that the customer receive back shells similar in type and specific in the number. After all, if one was to interpret H.R. 4512 in the manner in which I previously described, then nothing would have changed by the passage of the bill.

H.R. 4512 is simply a bill to clarify the intent of Congress in order to relieve a regulatory burden and should have only a negligible effect on revenues.

I want to thank my colleague BILL THOMAS, a member of the Ways and Means Committee, for cosponsoring this measure with me. I know that without his help in the committee, these provisions would not have been included in H.R. 2735.

Mr. ROSTENKOWSKI. Mr. Speaker, I want to assure the gentleman from Texas [Mr. ARCHER] and all my colleagues on the point that was made with respect to the balance, as well as the administration, that I will do everything possible in the conference with the Senate on this bill to assure that any first-year revenue scorekeeping problems will be resolved before this legislation is presented to the President for his signature.

Mr. PANETTA. Mr. Speaker, H.R. 2735 would make miscellaneous changes that primarily affect income taxes. There are more than a dozen adjustments that respond to the grievances of a number of taxpayers. The Ways and Means Committee characterizes these provisions as noncontroversial and as low cost. The tax relief provisions lose less than $100 million per year. No retroactive tax benefits are given. The bill includes two offsetting revenue increases so that the bill does not raise deficits over the sum of 6 years, 1992 through 1997.

The Congressional Budget Office estimates that on-budget revenues will be lowered by $22 million in fiscal year 1993 if H.R. 2735 is enacted. This 1993 loss of revenue is offset by revenue gains in the subsequent years, 1994 through 1997. Off-budget Social Security revenues are lowered by about $1 million per year. When both on- and off-budget revenue effects are considered, the legislation is still paid for over 6 years, 1992 through 1992.

If the administration's Office of Management and Budget concurs in this revenue estimate, if additional 1993 deficit-increasing legislation is enacted, and if insufficient pay-as-you-go offsets are found, this bill creates the risk of a fiscal year 1993 sequester. I urge that as the legislative process moves along, efforts be made to eliminate this risk.

For the information of Members, I attach the CBO cost estimate on H.R. 2735.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 1992.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2735, the Miscellaneous Revenue Act of 1992, as amended and ordered reported on July 8, 1992, by the House Committee on Ways and Means. CBO estimates that the bill would decrease on- and off-budget receipts by $1 million in fiscal year 1992, $23 million in fiscal year 1993, but increase receipts by $11 million over the 1992 through 1997 period.

H.R. 2735 would make miscellaneous changes in the Internal Revenue Code that would affect individual income taxes, corporate income taxes, employment taxes, excise taxes, and estate and gift taxes. The Joint Committee on Taxation (JCT) has estimated that these changes would increase on-budget receipts by $15 million but decrease off-budget receipts by $4 million over the 1992 through 1997 period. CBO concurs with these estimates.

H.R. 2735 would also require the Secretary of the Treasury to conduct a study to determine the appropriate depreciation period for semi-conductor manufacturing equipment. This study would be completed in fiscal year 1993. Based on previous experience with similar studies, CBO estimates that the cost of this study would be less than $100,000. The cost of the study would be paid from appropriated funds; thus this provision would not affect direct spending or receipts.

BUDGET EFFECTS

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Authorizations:						
Estimated authorization level	0	(1)	0	0	0	0
Estimated outlays	0	(1)	0	0	0	0
Estimated receipts:						
On-budget	(1)	−22	18	6	5	8
Off-budget	−1	−1	−1	−1	−1	−1

[1] Less than $500,000.

Note.—Numbers may not add to totals due to rounding.

H.R. 2735 would affect receipts and thus would be subject to pay-as-you-go procedures under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI is attached. Under pay-as-you-go scoring, only on-budget receipts and outlays are scored.

PAY-AS-YOU-GO CONSIDERATIONS

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Changes in outlays	NA	NA	NA	NA
Changes in receipts	0	−22	18	6

NA—Not applicable.

If you wish further details, please feel free to contact me or your staff may wish to contact John Stell at 226-2720.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the

[1] An estimate of H.R. 2735, as ordered reported by the Committee on Ways and Means on July 8, 1992. This estimate was transmitted by the Congressional Budget Office on July 20, 1992.

Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	NA	NA	NA	NA
Changes in receipts	0	−22	18	6

NA—Not applicable.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 2735, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to make miscellaneous changes in the tax laws."

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2607, RAIL SAFETY ENFORCEMENT AND REVIEW ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 516) to provide for the consideration of the Senate amendment to H.R. 2607.

The Clerk read as follows:

H. RES. 516

Resolved, That, upon the adoption of this resolution, the bill (H.R. 2607) to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 and 1993, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with the following amendments:

In lieu of the matter proposed to be inserted by the Senate, insert as an amendment in the nature of a substitute the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Enforcement and Review Act".

SEC. 2. ISSUANCE OF REGULATIONS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended—

(1) in subsection (i)(1), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards";

(2) in subsection (n)—

(A) by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards";

(B) by striking ", including" and inserting in lieu thereof "on railroad bridges. At a minimum, the Secretary shall provide";

(C) by striking "such as" and inserting in lieu thereof "including"; and

(D) by striking "relating to instances when boats shall be used" and inserting in lieu thereof "for the use of boats when work is performed on bridges located over bodies of water";

(3) in subsection (o)(1), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards"; and

(4) in subsection (q), by striking "such rules, regulations, orders, and standards as may be necessary" and inserting in lieu thereof "rules, regulations, orders, and standards".

SEC. 3. REMEDIAL ACTIONS.

(a) REGULATIONS.—The Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall issue regulations to require that any railroad notified by the Secretary that assessment of a civil penalty will be recommended for a failure to comply with a provision of the Federal railroad safety laws, as such term is defined in section 212(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(e)), or any rule, regulation, order, or standard issued under such provision, shall report to the Secretary, within 30 days after the end of the month in which such notification is received, actions taken to remedy that failure.

(b) EXPLANATION OF DELAY.—Regulations issued under subsection (a) shall provide that, if appropriate remedial actions cannot be taken by a railroad within such 30-day period, such railroad shall submit to the Secretary an explanation of the reasons for any delay.

(c) SCHEDULE FOR REGULATIONS.—The Secretary shall—

(1) within 9 months after the date of enactment of this Act, issue a notice of proposed rulemaking for regulations to implement this section; and

(2) within 2 years after the date of enactment of this Act, issue final regulations to implement this section.

SEC. 4. ENFORCEMENT.

(a) MINIMUM AND MAXIMUM PENALTIES.—(1) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)), section 6 of the Act of March 2, 1893, and section 4 of the Act of April 14, 1910 (45 U.S.C. 6 and 13; commonly referred to as the "Safety Appliance Acts"), section 7 of the Act of May 6, 1910 (45 U.S.C. 43; commonly referred to as the "Accident Reports Act"), section 25(h) of the Interstate Commerce Act (49 U.S.C. App. 26; commonly referred to as the "Signal Inspection Act"), and section 9 of the Act of February 17, 1911 (45 U.S.C. 34; commonly referred to as the "Locomotive Inspection Act") are each amended by striking "$250" and inserting in lieu thereof "$500".

(2) Section 5(a)(1) of the Act of March 4, 1907 (45 U.S.C. 64a(a)(1); commonly referred to as the "Hours of Service Act") is amended by striking "penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable," and inserting in lieu thereof "civil penalty, as the Secretary of Transportation deems reasonable, in an amount not less than $500 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $20,000 may be assessed, and".

(3) Section 2 of the Act of May 6, 1910 (45 U.S.C. 39; commonly referred to as the "Accident Reports Act") is amended by striking "one hundred dollars" and inserting in lieu thereof "$500".

(4) Section 3711(c)(2) of title 31, United States Code, is amended by striking "$250" and inserting in lieu thereof "$500".

(b) REGIONAL ENFORCEMENT PILOT PROJECT.—(1) The Secretary shall establish a pilot project in more than one region of the Federal Railroad Administration to demonstrate the benefits that may accrue to the Federal railroad safety program from assigning an attorney, who is a Federal employee within the Department of Transportation, to regional offices of the Federal Railroad Administration to perform initial case review, assess penalties, settle cases, and provide legal advice to Federal Railroad Administration regional personnel on enforcement and other issues, as compared to performing such functions at the headquarters level.

(2) The pilot program shall be completed within 18 months after the date of enactment of this Act.

(3) Within 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Congress describing the results of the pilot program. Factors to be considered in the report shall include—

(A) the speed, volume, and effectiveness of civil penalty actions;

(B) the efficiency of the delivery of legal advice on safety issues;

(C) the financial and other costs of assigning attorneys in each region;

(D) the effects on uniformity of enforcement resulting from performing in the regions of the Federal Railroad Administration the functions described in paragraph (1); and

(E) the advisability of assigning attorneys to some or all of the regions of the Federal Railroad Administration.

(c) CONSIDERATIONS FOR COMPROMISE OF CIVIL PENALTIES.—(1) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by inserting "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require." after "referral to the Attorney General.".

(2) Section 5(a)(1) of the Act of March 4, 1907 (45 U.S.C. 64a(a)(1); commonly referred to as the "Hours of Service Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

(3) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6; commonly referred to as the "Safety Appliance Acts") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

(4) Section 4 of the Act of April 14, 1910 (45 U.S.C. 13; commonly referred to as the "Safety Appliance Acts") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this

section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

(5) Section 7 of the Act of May 6, 1910 (45 U.S.C. 43; commonly referred to as the "Accident Reports Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

(6) Section 25(h) of the Interstate Commerce Act (49 U.S.C. App. 26; commonly referred to as the "Signal Inspection Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

(7) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34; commonly referred to as the "Locomotive Inspection Act") is amended by adding at the end the following sentence: "In compromising a civil penalty assessed under this section, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior or subsequent offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.".

SEC. 5. REVIEW OF AGENCY ACTION.

(a) IN GENERAL.—(1) Section 202(f) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(f)) is amended to read as follows:

"(f) Any final agency action taken by the Secretary under this title or under any of the other Federal railroad safety laws, as defined in section 212(e) of this title, is subject to judicial review as provided in chapter 7 of title 5, United States Code. Except as provided in section 203(e) of this title, any proceeding to review such final agency action shall be brought in the appropriate court of appeals as provided by and in the manner prescribed in chapter 158 of title 28, United States Code.".

(2) The amendment made by subsection (a) shall apply to final agency actions of the Secretary whenever taken, except that the amendment shall not apply in a case where a civil action has been brought before the date of enactment of this Act.

(b) FEDERAL RAILROAD SAFETY LAWS.—Section 212(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(e)) is amended by inserting "the Sanitary Food Transportation Act of 1990 (49 U.S.C. App. 2801 note)," before "and those laws transferred".

(c) TECHNICAL AMENDMENTS.—(1) Section 2341(3)(B) of title 28, United States Code, is amended by inserting "or the Secretary of Transportation" after "Secretary of Agriculture".

(2) Section 2342 of title 28, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(7) all final agency actions described in section 202(f) of the Federal Railroad Safety Act of 1970.".

SEC. 6. PROTECTION OF RAILROAD SAFETY ENFORCEMENT PERSONNEL.

Section 1114 of title 18, United States Code, is amended by inserting "any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions," after "any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

SEC. 7. POWER BRAKE SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r) POWER BRAKE SAFETY.—(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and, not later than December 31, 1993, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic braking equipment.

"(3)(A) The Secretary shall require 2-way end of train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of emergency braking from the rear of a train. The Secretary shall promulgate rules as soon as possible, but not later than December 31, 1993, requiring such 2-way end of train devices. Such rules shall, at a minimum—

"(i) set standards for such devices based on performance;

"(ii) prohibit any railroad, on or after the date that is one year after promulgation of such rules, from acquiring any end of train device for use on trains which is not a 2-way device meeting the standards set under clause (i);

"(iii) require that such trains be equipped with 2-way end of train devices meeting such standards not later than 4 years after promulgation of such rules; and

"(iv) provide that any 2-way end of train device acquired for use on trains before such promulgation shall be deemed to meet such standards.

"(B) The Secretary may consider petitions to amend the rules promulgated under subparagraph (A) to allow the use of alternative technologies which meet the same basic performance requirements established by such rules.

"(C) In developing the rules required by subparagraph (A), the Secretary shall consider data presented under paragraph (1).

"(4) The Secretary may exclude from the rules required by paragraphs (1), (2), and (3) any category of trains or rail operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reasons for granting any such exclusion. The Secretary shall at a minimum exclude from the requirements of paragraph (3)—

"(A) trains that have manned cabooses;

"(B) passenger trains with emergency brakes;

"(C) trains that operate exclusively on track that is not part of the general railroad system;

"(D) trains that do not exceed 30 miles per hour and do not operate on heavy grades, except for any categories of such trains specifically designated by the Secretary; and

"(E) trains that operate in a push mode.".

SEC. 8. TRACK SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(s) TRACK SAFETY.—(1) The Secretary shall, within 6 months after the date of enactment of this subsection, initiate a review of the Department of Transportation's standards relating to track safety. Within 2 years after the date of enactment of this subsection, the Secretary shall issue rules, regulations, orders, or standards to revise such track safety standards, considering such safety data as may be presented during that review and the General Accounting Office report submitted under paragraph (3).

"(2) The review required under paragraph (1) shall, at a minimum, include—

"(A) an evaluation of procedures associated with maintaining and installing continuous welded rail and its attendant structure;

"(B) an evaluation of the need for revisions to rules with respect to track subject to exception from track safety standards; and

"(C) an evaluation of employee safety.

"(3) The General Accounting Office shall conduct a study of the effectiveness of the Secretary's enforcement of track safety standards, with particular attention to recent relevant railroad accident experience and data. Within one year after the date of enactment of this subsection, the General Accounting Office shall submit to the Secretary and Congress a report on the results of such study, together with recommendations for improving such enforcement.".

SEC. 9. APPLICABILITY OF RULES, REGULATIONS, ORDERS, AND STANDARDS.

(a) AMENDMENT.—(1) Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking the parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(2) Section 5(a)(1) of the Act of March 4, 1907 (45 U.S.C. 64a(a)(1); commonly referred to as the "Hours of Service Act") is amended by striking the parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(3) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6; commonly referred to as the "Safety Appliance Acts") is amended by striking the first parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor pro-

viding goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(4) Section 3 of the Act of March 2, 1903 (45 U.S.C. 10; commonly referred to as the "Safety Appliance Acts") is amended by striking the parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(5) Section 4 of the Act of April 14, 1910 (45 U.S.C. 13; commonly referred to as the "Safety Appliance Acts") is amended by striking the first parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(6) Section 7 of the Act of May 6, 1910 (45 U.S.C. 43; commonly referred to as the "Accident Reports Act") is amended by striking the first parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(7) Section 25(h) of the Interstate Commerce Act (49 U.S.C. App. 26; commonly referred to as the "Signal Inspection Act") is amended by striking the first parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(8) Section 9 of the Act of February 17, 1911 (45 U.S.C. 34; commonly referred to as the "Locomotive Inspection Act") is amended by striking the first parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor)".

(b) EFFECT ON OTHER LAW.—Nothing in the amendment made by subsection (a) shall affect the authority or responsibilities of the Secretary of Labor under the Occupational Safety and Health Act of 1970.

SEC. 10. LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(t) LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS.—(1) The Secretary shall, within 30 months after the date of enactment of this subsection, complete a rulemaking proceeding to consider prescribing regulations to improve the safety and working conditions of locomotive cabs. Such proceeding shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S–580, or any successor standard thereto, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect productivity, health, and the safe operation of locomotives.

"(2) In support of the proceeding required under paragraph (1), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider—

"(A) the costs and benefits associated with equipping locomotives with—

"(i) braced collision posts;

"(ii) rollover protection devices;

"(iii) deflection plates;

"(iv) shatterproof windows;

"(v) readily accessible crash refuges;

"(vi) uniform sill heights;

"(vii) anticlimbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(viii) equipment to deter post-collision entry of flammable liquids into locomotive cabs;

"(ix) any other devices intended to provide crash protection for occupants of locomotive cabs; and

"(x) functioning and regularly maintained sanitary facilities; and

"(B) the effects on train crews of the presence of asbestos in locomotive components.

"(3) If on the basis of the proceeding required under paragraph (1) the Secretary determines not to prescribe regulations, the Secretary shall report to Congress on the reasons for that determination.".

SEC. 11. RAILROAD RADIO COMMUNICATIONS.

(a) SAFETY INQUIRY.—The Secretary shall, within 18 months after the date of enactment of this Act and in consultation with the National Railroad Passenger Corporation, freight and commuter railroads, rail equipment manufacturers, and railroad employees, conduct a safety inquiry regarding the Department of Transportation's railroad radio standards and procedures. At a minimum, such inquiry shall include assessment of—

(1) the advantages and disadvantages of requiring that every locomotive (and every caboose, where applicable) be equipped with a railroad voice communications system capable of permitting a person in the locomotive (or caboose) to engage in clear two-way communications with persons on following and leading trains and with train dispatchers located at railroad stations;

(2) a requirement that replacement radios be made available at intermediate terminals;

(3) the effectiveness of radios in ensuring timely emergency response;

(4) the effect of interference and other disruptions of radio communications on safe railroad operation;

(5) how advanced communications technologies such as digital radio can be implemented to best enhance the safety of railroad operations;

(6) the status of advanced train control systems that are being developed, and the implications of such systems for effective railroad communications; and

(7) the need for minimum Federal standards to ensure that such systems provide for positive train separation and are compatible nationwide.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress within 4 months after the completion of such inquiry a report on the results of the inquiry along with an identification of appropriate regulatory action and specific plans for taking such action.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 214(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out this Act not to exceed $54,352,000 for fiscal year 1992, $68,283,000 for fiscal year 1993, and $71,690,000 for fiscal year 1994. The Secretary is authorized to request, receive, and use payments from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities, other than State rail safety inspectors participating in training pursuant to section 206 of this title.".

SEC. 13. TOTAL QUALITY MANAGEMENT IN SAFETY ASSESSMENTS.

In all comprehensive, multidiscipline safety assessments of railroads, the conduct of which is initiated by the Secretary between the date of enactment of this Act and the end of fiscal year 1993, the Secretary shall evaluate the use and effectiveness of total quality management techniques, if any, on the safety practices of the railroad being assessed. The Secretary shall include findings and conclusions based on such evaluation in each such safety assessment report.

SEC. 14. LOCAL RAIL FREIGHT ASSISTANCE PROGRAM.

Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended—

(1) by inserting "There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed $16,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, and $30,000,000 for fiscal year 1994." after "fiscal year 1991."; and

(2) by striking "any period after September 30, 1991" and inserting in lieu thereof "any period after September 30, 1994".

SEC. 15. PROCEDURE FOR DETERMINING ACCIDENT REPORTING THRESHOLD.

(a) GENERAL RULE.—In establishing or modifying a monetary damage threshold for the reporting of railroad accidents, the Secretary shall base damage cost calculations only on publicly available data—

(1) obtained from the Bureau of Labor Statistics; or

(2) otherwise obtained from an agency of the Federal Government which has been collected through objective, statistically sound survey methods or which has been previously subject to a public notice and comment process in a Federal agency proceeding.

(b) EXCEPTION.—If any data necessary for establishing or modifying a threshold described in subsection (a) is not available as provided in subsection (a) (1) or (2), the Secretary may use any other source to obtain such data, but the use of such data shall be subject to public notice and the opportunity for written comment.

(c) EFFECTIVE DATE.—This section shall apply only to the establishment or modification of a monetary damage threshold occurring after the date of enactment of this Act.

SEC. 16. REPORT ON THE SAFETY OF HAZARDOUS MATERIALS TRANSPORTATION BY RAIL.

Within one year after the date of enactment of this Act, the Secretary shall report

to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding issues presented by the transportation by rail of hazardous materials. The report shall include the following information:

(1) For the years 1989, 1990, 1991, and, to the extent available, 1992, relevant data concerning each unintentional release of hazardous materials resulting from rail transportation accidents, including the location of each such release, the probable cause or causes of each such release, and the effects of each such release.

(2) For the years 1989, 1990, 1991, and, to the extent available, 1992, a summary of relevant data concerning unintentional releases of hazardous materials resulting from rail transportation incidents.

(3) A description of current regulations governing hazardous materials rail car placement (including buffer cars), and an evaluation of their adequacy in light of experience and emerging traffic and commodity patterns.

(4) An assessment of regulations, rules, orders, or standards that address rail operations or procedures associated with carrying hazardous materials on rights-of-way having significant grades or high degrees of curvature.

(5) An assessment of the effectiveness and associated costs of requiring deployment of wayside bearing failure detectors for trains carrying hazardous materials.

(6) An assessment of rail tank car rules, regulations, orders, or standards affecting hazardous materials transportation.

(7) The status of all planned or pending regulatory activities of the Secretary (including the status of all regulations required by statute) that seek to address the safe transportation of hazardous materials by rail, and the status of rail hazardous materials enforcement activities.

(8) Such other information as the Secretary determines relevant to the safe transportation of hazardous materials by rail.

SEC. 17. REPORT ON TRAIN DISPATCHING OFFICES.

Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify any continuing problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987–1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations.

SEC. 18. NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) MEETINGS.—Section 11(c) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended to read as follows:

"(c) The Northeast Corridor Safety Committee shall meet at least once every 2 years to consider matters involving safety on the main line of the Northeast Corridor.".

(b) REPORT.—Section 11(d) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended—

(1) by striking "Within one year after the date of enactment of this Act" and inserting in lieu thereof "At the beginning of the first session of the 103rd Congress, and biennially thereafter,"; and

(2) by adding at the end the following new sentence: "The report shall contain the safety recommendations of the Northeast Corridor Safety Committee and the comments of the Secretary on those recommendations.".

(c) TERMINATION DATE.—Section 11 of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) The Northeast Corridor Safety Committee shall cease to exist on January 1, 1999, or on such date as the Secretary determines to be appropriate. The Secretary shall notify the Congress in writing of any such determination.".

Amend the title to read as follows: "An Act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request to the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation before us. Its consideration by the House today marks the culmination of a deliberate, laborious, 16-month process to reauthorize the Federal Government's railroad safety programs. I would like to commend strongly the efforts of the chairman of the full committee, Mr. DINGELL, the ranking minority member of the full committee, Mr. LENT, and the ranking minority member of the subcommittee, Mr. RITTER. Their contributions to this effort have been insightful, constructive, and critical to its success.

Mr. Speaker, we began this process last April, when the Subcommittee on Transportation and Hazardous Materials held the first of two hearings on rail safety programs administered by the Federal Railroad Administration [FRA]. During the time since, we have worked closely with the railroads, our friends in rail labor, various public interest groups, and the administration. We were assisted by the investigative work of the U.S. General Accounting Office [GAO], which completed six reports on a broad range of railroad safety issues at the committee's request.

On September 23, 1991, this House took up and passed H.R. 2607 by a voice vote. Then, last March, the other body passed similar legislation. Today, we consider a thoughtfully crafted compromise that combines the best provisions of both bills. Mr. Speaker, this legislation will improve railroad safety in several respects. It makes several much needed regulatory revisions and beefs up FRA enforcement activities.

REGULATORY REVIEW

Let me first cover the regulatory aspects of the bill. First, the legislation explicitly clarifies the responsibility of the administration to issue certain rules and regulations. In addition, it sets forth specific legislative directives for Agency action in other areas of concern. Under provision of the Rail Safety Improvement Act of 1988 [RSIA], the Secretary of Transportation was directed to issue rules, regulations, orders or standards in various areas of specific concern "as may be necessary." The unfortunate and subsequent interpretation of the latter phrase by the Secretary and FRA, that is, that the phrase conferred discretion with the Secretary as to whether issuance of any such regulations was necessary, has been the subject of extensive correspondence and discussion among the congressional committees of jurisdiction, the Department of Transportation, and FRA. In the view of the committees, the Department's position goes to the very heart of the fundamental relationship between the legislative and executive branches of government. Simply stated, if the executive may ignore congressional directives, the system fails.

With that history in mind, the committees have drafted this legislation to prevent similar problems in the future. The legislation does this by first removing any doubt about the Secretary's obligation to issue each RSIA rulemaking by deleting the phrase "as may be necessary" in each instance. Further, the legislation avoids the use of this phrase with respect to any new areas of concern raised. Rather, it directs the Secretary to commence reviews, safety inquiries, and rulemakings, after which regulations are to be issued based on the findings of such activities. It is intended that these changes will: First, result in prompt issuance of all final rules and regulations required under RSIA; second, provide the Secretary with specifics in each new area of congressional concern; and third, avoid entirely the long delays in the issuance of rules and regulations that have occurred under RSIA.

Beyond this clarification of the Secretary's obligations, this legislation directs the Department to conduct a series of inquiries, reviews, and rulemaking procedure to evaluate certain sets of existing regulations. They include power brake rules, track safety standards, radio communication requirements, locomotive crashworthiness standards, and train dispatching facilities and practices.

Finally, I would like to express my concerns about the ongoing problems of highway grade crossing safety. Despite a decreasing number of overall incidents and accidents, grade crossing collisions continue to produce the highest number of rail-related injuries and fatalities. I know FRA is working on his problem; it is an extremely difficult one. But I want to emphasize the severity with which this committee views this issue and the need to continue seeking solutions that improve public safety. Having said that, the committees are pleased that FRA has taken action to address this issue pursuant to RSIA.

ENFORCEMENT

In addition to directing the Secretary to evaluate certain regulatory issues, this legislation seeks to protect public safety by beefing up FRA enforcement activities. First, the bill increases minimum civil penalties for all safety violations from $250 to $500. When the Federal Railroad Safety Act passed in 1970, $250, adjusted for inflation, was worth over $800 in current dollars. In addition, FRA's average penalty collection is over $3,000. The committees believe that increasing the minimum penalty will add an additional deterrent to poor safety compliance by railroads.

Second, the legislation requires FRA to conduct a pilot program to experiment with enforcement activities at the regional office level. The committees feel that this will help streamline the enforcement process, reduce the Agency's case backlog, and increase the deterrent effect of civil penalty cases in general.

Third, the legislation authorizes the Secretary, when settling cases, to consider a railroad's safety compliance record subsequent to the date of violations at issue. This will enable the Secretary to determine whether railroads are demonstrating a positive trend in safety compliance.

Finally, the legislation requires FRA to establish procedures by regulation which will require railroads to inform the Agency in writing within a certain period of time any actions taken to correct conditions in violation of safety regulations when cited by an inspector.

There is one other issue I feel must be addressed at this time. The Occupational Safety and Health Act of 1970 gave the Secretary of Labor broad general authority to regulate working conditions that affect the safety and health of workers on the job. When OSHA was passed, Congress also recognized the existence of similar authority in other Federal agencies. Specifically, section 4(b)(1) of the act provides that OSHA shall not apply to working conditions in cases where another Federal agency exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

As its primary mission, FRA ensures safe railroad operations for employees, customers, and the general public. Given this mission, FRA should be the primary agency with responsibility for ensuring the health and safety of railroad employees on the job. In 1978, FRA issued a policy statement on railroad occupational safety and health standards that listed, first, those categories of working conditions and associated hazards the agency was then regulating; second, those that it was not regulating, but which required close consideration with the Department of Labor; and third, those over which it had no plans to exercise jurisdiction. The statement articulated the dimensions of FRA's safety program and clarified the respective roles of FRA and the Department of Labor in ensuring the health and safety of railroad workers. In view of recent concerns raised regarding possible gaps in regulatory coverage of occupational safety and health issues, as well as confusion over the jurisdiction of FRA and OSHA, the committees believe that FRA should review its previous policy statement and jurisdictional analysis to determine if any revisions are necessary.

Although the provision of rail safety legislation passed by the Senate addressing this issue was ultimately not included in the final package, the committees do agree that further examination of this issue is appropriate. As noted in my June 10, 1992, letter to the Railway Labor Executives Association, the subcommittee will be holding a hearing with the goal of further clarifying the jurisdictional relationship between FRA and the Department of Labor, including the coverage of any gaps that currently exist between their respective jurisdictions. To that end, we have scheduled a hearing for August 5, 1992.

Let me conclude by talking a few minutes about the work of FRA over the past few years. Under the leadership of Gil Carmichael, FRA is fully staffed; it has undertaken a new national inspection plan to establish coverage standards and staffing models for the entire country; and it has taken steps to improve the training and qualification of inspectors. While the new inspection plan is not yet completed, FRA appears to be taking its safety mission seriously. I welcome FRA's constructive approach, and I applaud its efforts.

Although the Agency has made great strides in the last year, the GAO audit taken as a whole raises some concerns about enforcement of railroad safety laws and regulations. In addition, GAO has questioned the ability of the Agency to handle its workload in general.

The legislation we are discussing today marks an effort to balance GAO's very constructive criticism of the Agency on one hand, and what we believe to be FRA's good faith effort to be responsive and proactive in carrying out the Secretary's mission to ensure safe rail operations. I think we have reached our goal successfully, and I am confident that this legislation will serve the public interest well. I strongly urge my colleagues to support House Resolution 516.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleagues on the Energy and Commerce Committee for their diligent work on this rail safety legislation, particularly our chairman, Mr. DINGELL, our ranking Republican, Mr. LENT, and our subcommittee chairman, Mr. SWIFT. Our counterparts on the Senate Commerce Committee should also be recognized for their important contributions as well.

As many industrial safety warnings state, "safety is no accident." It takes a constant striving for safety not only to avoid accidents, but to improve the quality and productivity of our industrial processes, including our transportation system. Avoiding an adversarial, labor against management attitude is a key factor. After all, safety and productivity are really two sides of the same coin. In this legislation, I hope we have begun to promote this kind of cooperative spirit. In particular, I am very pleased that this legislation includes my provision directing the Federal Railroad Administration to look for and evaluate railroads' use of total quality management techniques in their regular audits or assessments of individual rail carriers' safety programs.

I also want to stress that in this bill, we are not expanding the scope of ERA's jurisdiction. Section 9 of this bill, an administration-requested provision, merely clarifies that FRA has safety enforcement authority in a situation were a railroad has delegated total obligation and accountability to an outside contractor for a continuous and ongoing operation normally performed by the railroad and its employees. An example would be a small railroad contracting out its entire signal system maintenance program.

Correlatively, there is no intention to bring within FRA's authority individual contracts performed to a railroad's specifications—for example, repair of a particular section of track under the railroad's direction. This provision is merely confirming the legal status quo, not expanding FRA's reach beyond rail carriers.

On another point, Mr. Speaker, a key element of bipartisan agreement in this final legislation is the need for clear direction from Congress—and correspondingly prompt execution from

FRA—when legislation directs the completion of rulemaking proceedings in particular fields of rail safety. In past years, the phrase "as may be necessary" was subject to widely varying interpretations that, at the extreme, could have been read as the ability to ignore clear congressional directives.

To avoid similar problems in the future, we have tried in this legislation to be clear and explicit in our directives to DOT and FRA by avoiding the use of this troublesome phrase. But where we have directed rulemakings or others administrative proceedings, we fully expect that all final rules will be issued on the schedules mandated in this and prior legislation, and that the long delays of the part will be avoided.

Finally, Mr. Speaker, I want to point out that this legisiation mandates, as a general standard, the use of telemetric devices, so-called two-way end of train devices, to facilitate emergency braking and monitoring of vital brake functions. Under this legislation, such devices will become the norm on the Nation's freight trains within 4 years.

At the same time, we cannot let our enthusiasm for technology override real-world issues of cost-benefit tradeoffs. Accordingly, although the baseline standard will be the use of the new devices, this legislation carves out certain minimum exceptions, for example, for trains operated under 30 miles per hour. What I want to stress here, Mr. Speaker, is that although those exceptions are mandatory, they are not exclusive. Under the "public interest and consistency with rail safety" standard of this legislation, additional areas may well be exempted from the end of train requirement. One area that should be carefully examined in this regard are the operations of our short line and regional railroads, who through entrepreneurial grit have kept many marginal rail lines in operation, but who are not a deep pocket with a great ability to absorb increased regulatory costs.

Mr. Speaker, I strongly support this legislation and urge its prompt approval.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong support of this important legislation to reauthorize and strengthen the Federal Railroad Administration's rail safety program. The legislation before us today reflects a compromise between previously passed House and Senate bills. Improving railroad safety must be a high priority. The Nation's railroad safety laws must be vigorously enforced.

I have had a particular interest in this issue. After all, Chicago has long been a hub of railroad activity. Many of my constituents are railroad workers and are exposed daily to the hazards of the railroad workplace.

As the past chairwoman of the Government Operations Subcommittee with oversight jurisdiction over the Federal Railroad Administration [FRA], I have learned from experience that vigorous and aggressive oversight is necessary to ensure that rail safety laws are adequately enforced. I commend the chairmen of the subcommittee and of the full committee for their vigorous efforts in support of a strong rail safety enforcement program.

The reauthorization legislation before us is a reasonable compromise, particularly in its provisions to toughen and speed up enforcement procedures. I am particularly pleased that this bill includes my amendment to improve the accuracy of FRA's accident statistics.

Railroads are required to report certain accidents to the FRA, including those that result in damage to railroad on-track equipment above a particular dollar threshold. This threshold was originally fixed at $750, but has been adjusted every 2 years to reflect inflation in damage costs. It is currently $6,300.

FRA's accident statistics are an important benchmark with which to measure improvements or declines in railroad safety. Those of us who are concerned about the safety of our Nation's rail system, including the Congress, the industry, and railroad employees, must have accurate information on accident rates in order to monitor railroad safety. As a result, any inflation adjustments in the accident reporting threshold must be based on accurate data to allow for valid comparisons over time.

At the Transportation Subcommittee's reauthorization hearing on June 12, 1991, testimony by Mr. Robert Creamer, executive director of the Illinois Public Action Council, raised some questions about the quality of the data used by FRA to adjust its damage threshold for inflation. Subsequently, I discovered that some elements of the data, relating to the cost of materials, are based on phone conversations between FRA and the railroad industry trade association.

The data used by FRA for accident reporting purposes should be beyond reproach and should not be based on phone conversations with industry with no opportunity for public comment. Therefore, the amendment requires that, in the future, changes in the accident reporting threshold should be based on publicly available data, such as that from the Bureau of Labor Statistics, or data that agencies have collected through sound and objective survey methods or data which has been previously subject to a public notice and comment process by a Federal agency.

However, in the event that the necessary data is not available through such sources, FRA may use other sources, provided the public is given notice and an opportunity for written comment. The amendment applies to any future establishment or changes in the threshold, but it would not require FRA to recalculate the current threshold.

As a result of this amendment, the public will have more accurate accident statistics in the future and more valid comparisons over time of changes in railroad accident rates.

This legislation includes many other important provisions to strengthen the rail safety program. In particular, it clarifies the congressional intent with respect to the obligation of the Federal Railroad Administration to issue safety regulations. It is imperative that Federal agencies follow congressional intent.

Mr. Speaker, I urge support for this legislation.

Mr. RITTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. LENT], the ranking minority member of the full committee.

Mr. LENT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this bipartisan legislation to reauthorize our Federal rail safety programs. I want to commend our chairman, Mr. DINGELL, our subcommittee chairman, Mr. SWIFT, and our ranking subcommittee member, Mr. RITTER, for their hard work in fashioning this bill and arriving at an agreement with the Senate.

We in the Northeast are particularly aware of the importance of safe, reliable rail transportation. But the rest of the Nation is rapidly becoming conscious of the importance of rail transportation as an environmentally beneficial form of transportation. This bill gives the Federal Railroad Administration the tools and the direction to move forward with a first-class rail safety program for the nineties.

One area that I understand that our Transportation Subcommittee will be addressing in the near future, is the relationship between FRA's safety responsibilities and those of the Occupational Safety and Health Administration [OSHA]. This is an important issue that I look forward to learning more about in our upcoming hearing. But in the meantime, I want to affirm that today's legislation is not in any way intended to alter the existing boundaries between the jurisdiction of these two safety agencies. When we do address this issue, we should do so clearly and forthrightly. But for now, I simply want to avoid creating unnecessary legal ambiguities about the meaning of current law.

Finally, Mr. Speaker, I want to point out that the Local Rail Freight Assistance Program, which this bill reau-

thorizes, has helped a number of small- and medium-sized railroads keep marginal lines in service as part of our national rail network. As such, it is a high-return program that is well worth continuing.

This rail safety legislation represents an important step toward further improvement of our Federal rail safety programs. Through diligent bipartisan efforts, we have fashioned a bill that focuses on key areas of rail safety for the nineties—the use of new technologies in train control and communications, the modernization of enforcement programs, and the clarification of Federal authority in the rail safety area.

One of these clarifications concerns a statutory phrase which became the subject of several unfortunate disputes in recent years—the phrase "as may be necessary," which was used in a number of instances to describe the Federal Railroad Administration's authority to conduct rulemakings that were specifically mandated by Congress.

This revised bill removes this troublesome phrase from directives for individual rulemakings and avoids using the phrase as to new rulemakings required under this legislation. All of this reflects a cooperative effort in the Congress to avoid disputes—and delays in carrying out congressional directives—in the future. It is our committee's hope that this unambiguous approach to rulemaking requirements will avoid any misunderstandings and delays in carrying out this legislation.

Finally, in connection with the removal of this "as may be necessary" phrase in individual rulemaking provisions of the Federal Railroad Safety Act as amended, we must bear in mind that removal of the phrase is just that: It is not an attempt to legislate on other matters treated in those provisions. Notable among these is the current jurisdictional boundary between the Federal Railroad Administration and the Occupational Safety and Health Administration [OSHA]. That is a serious issue of public policy that may well be legislatively addressed in the near future, but the amendments in this bill—particularly as to section 202(n) of the Safety Act—are not intended to alter that interagency boundary in one direction or another.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank my colleague, the chairman of our subcommittee, for yielding time to me.

Mr. Speaker, this has been a long and adventuresome year for us on rail labor and rail management matters, and the fact that the subcommittee has been able to work, first, so efficiently and, secondly, so efficaciously in support of an important part of the Nation's economic base, the railroad industry, I think, speaks well for the Congress and for our committee.

Mr. Speaker, I rise in strong support today of the rail safety authorization bill before us. This piece of legislation is strongly supported by the men and women who work on the Nation's railroads. It makes needed and important changes in safety provisions and puts teeth into enforcement measures by the Federal Railroad Administration.

Under current policy, the Federal Railroad Administration does not monitor the railroads' actions to correct identified defects. This bill changes that policy. It requires, in a timely fashion, the reporting back to the FRA on corrective actions taken. It increases civil penalties, and it is my hope that the increase in enforcement and the increase in penalties will result in safer railroads and safer working conditions for the railroaders who are employed with them.

□ 1300

This bill also provides additional direction to the FRA to continue its progress with respect to certain safety activities. One of these issues, grade crossing signals, is of great importance to me as we have had two tragic occurrences in which individuals were killed in my district because of unsafe grade crossing activities. This lack of enforcement in safety measures for grade crossings I think will be tremendously enhanced by the passage of this legislation today.

I hope the House will pass it. Let us make working on the railroads safer for the railroads and make the railroads a better part of a safe neighborhood and community through which the railroads pass.

Mr. Speaker, I urge the adoption of the legislation.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the resolution before us today. I particularly wish to commend the efforts of the author of the legislation, Mr. SWIFT, chairman of the Subcommittee on Transportation and Hazardous Materials, for his strong and capable leadership in crafting this rail safety legislation.

I also commend the gentleman from New York [Mr. LENT], the ranking Republican of our full committee, and the gentleman from Pennsylvania [Mr. RITTER], the ranking Republican of the Subcommittee on Transportation and Hazardous Materials for their significant contributions to this needed legislation.

I also commend our colleagues from the other body, the chairman and ranking Republican of the Committee on Commerce, Science, and Transportation, and the chairman and ranking Republican of the Subcommittee on Surface Transportation, for their efforts to bring this legislation to fruition.

We have worked in a cooperative and bipartisan effort to ensure that the Nation's railroads operate in a safe and efficient manner and to provide a safe and productive work environment for all rail workers.

This legislation will help to achieve the goal of rail safety in several significant respects. I would like to briefly highlight certain provisions that are included in the legislation before us today that are of particular importance to me and the committee.

First, the legislation explicitly clarifies the responsibility of the administration to issue certain rules and regulations, while setting forth specific legislative directives for agency action in other areas of concern. Under provisions of the Rail Safety Improvement Act of 1988 [RSIA], the Secretary of Transportation was directed to issue rules, regulations, orders, and standards in various specific areas of concern "as may be necessary." The unfortunate and subsequent interpretation of the latter phrase by the Secretary and the Federal Railroad Administration [FRA]; that is, that the phrase conferred discretion with the Secretary as to whether issuance of any such rulemakings was necessary, has been the subject of extensive correspondence and discussion among the congressional committees of jurisdiction, the Department of Transportation, and FRA.

In the view of the committees, the Department's position goes to the very heart of the fundamental relationship between the legislative and executive branches of Government. Simply stated, if the executive branch may ignore congressional directives, the system fails.

With this history in mind, the committees have drafted the subject legislation to prevent similar problems. First, the legislation removes any doubt about the Secretary's obligation to issue each specific RSIA rulemaking by deleting the phrase "as may be necessary" in each instance. Second, the legislation avoids use of the phrase as to new areas of concern addressed in the legislation, instead directing the Secretary to commence reviews, safety inquiries, and rulemakings, and thereafter to issue regulations based on such actions.

It is intended that these changes will: First, result in the prompt issuance of all final rules and regulations required under the RSIA; second, provide the Secretary with specific direction in each new area of congressional concern; and third, avoid entirely the long delays in the issuance of rules and regulations that has occurred under the RSIA.

The legislation also increases the minimum penalty for all safety violations, doubling it from its present level of $250 to $500. The hearings and inquiries undertaken by our committee and subcommittee during this Congress provide extensive and compelling justifications for this change in the law.

First, it is noted that the current level of minimum penalties was established initially in 1970 and has not been adjusted since that time. Mere inflationary increases from the 1970 level would justify a minimum penalty far in excess of $500.

Second, the committee believes the increase in minimum penalties will help to deter unsafe practices without affecting FRA's ability to compromise recommended penalties for safety violations in appropriate situations. The evidence submitted by the Department of Transportation and FRA clearly indicates that the current average collection is in excess of $3,000 and the number of penalties compromised at the $250 level are few and far between.

Third, the increased minimum penalty level takes into account the potential liability of individual rail employees for safety violations, as

established under the RSIA. Because the effect of rail safety violations is the same, whether committed as the result of action or omission of a railroad or an individual, we have chosen not to create a differing level of minimum penalties for railroads and individuals.

The new minimum penalty level established in the legislation acknowledges the individual's relative ability to pay without opening the can of worms that would result from providing different levels or exceptions for individuals or other classes of potential safety violators. Of course, we expect that the agency's enforcement efforts will reflect an evenhanded and nondiscriminatory treatment of both railroads and individuals in assessing and collecting any and all penalties.

Finally, the legislation provides needed clarification to the FRA concerning specific factors that should be taken into account when making the determination of whether recommended penalties should be compromised. These specific considerations will provide the agency needed guidance concerning those cases where imposition of the minimum penalty or other higher penalties are appropriate.

In open hearings and correspondence, I have noted the progress in FRA's safety activities under Administrator Gil Carmichael. The subject legislation will provide additional tools and direction to the FRA to continue such progress. For example, the legislation directs FRA to establish a regional enforcement pilot project, utilizing staff attorneys in FRA regional offices.

The legislation also requires railroads to file reports on remedial actions taken after safety violations have been assessed. These and other provisions of the legislation underscore congressional concerns about prompt and effective rail safety enforcement activities undertaken by FRA. I would expect that additional progress will be made quickly in eliminating the untenable backlog of safety violation cases that Administrator Carmichael inherited, while implementing new reforms and programs that will avoid any such similar situation in the future.

As noted above, the issuance of remaining RSIA regulations should be one of the highest priorities of the agency. In dealing with both Secretary Card and Administrator Carmichael, I am confident that both the long overdue RSIA rulemakings and the new regulations, reports, and other inquiries required under the subject legislation will receive the appropriate time, energy, and attention needed to avoid the unnecessary, unfortunate, and unacceptable delays and problems that have been experienced under the RSIA. I note that in the recent transportation appropriations bill passed a few days ago in the House, FRA's safety activities have received adequate funding to enable the agency to pursue these priority matters vigorously, including the resources needed to hire new staff attorneys who will assist in enforcement and rulemaking activities.

The authorization levels provided in the subject legislation for fiscal years 1992, 1993, and 1994 are consistent with our belief that adequate resources for the agency are necessary to enable it to perform its duties, as mandated by law, in a responsible and timely manner. Due to the fact that railroad safety user fees—enacted in 1990, upon the administration's recommendation—now provide the lion's share of safety program resources for FRA, there can be no budgetary excuse for any failure to pursue legislative priorities with diligence and appropriate speed.

Nor is there any evidence that the legislative directives in the subject legislation or prior rail safety legislation fall within the President's ill-considered regulatory moratorium announced earlier this year. In previous correspondence with Secretary Card, I inquired as to whether the bridge worker safety regulations and grade crossing regulations—both required to be issued under the RSIA—were exempt from the regulatory moratorium and, if so, the reasons therefor.

In Secretary Card's May 21, 1992, response, he indicated that the bridge worker safety regulations—which subsequently have been issued in final form, 4 years after the statutory deadline imposed under the RSIA—are "exempt from the President's regulatory moratorium" due to the fact that there "is evidence in the record developed in this rulemaking that would support a judgment that the rule is necessary for safety." Similarly, Secretary Card indicated to me that the grade crossing regulations—which still have not been fully completed 4 years after the deadline imposed under the RSIA—are being pursued and that "the record in this proceeding would support a finding that a rule is necessary for safety"—and thus exempt from the regulatory moratorium. Based on these assurances, I anticipate that the current administration's regulatory policies will in no manner impede or delay issuance of the regulations, reports, and other inquiries required under the subject legislation.

Our committee will continue to monitor these matters closely to ensure that legislative priorities, as set forth in this and prior legislation, are neither ignored nor retarded. I also expect that the agency will use its best efforts to keep the committee and subcommittee fully informed of its efforts to carry out these priority legislative directives within the specific timeframes established by the legislation. Strict adherence by the agency with the timeframes set forth in the legislation—that have been established in direct consultation with the agency and adjusted to longer timeframes in certain instances upon the specific request of the agency—is both necessary and expected.

In view of the history of these matters, as well as the development of the subject legislation, a repeat of the performance under the RSIA, where issuance of some required regulations are now more than 4 years overdue, would be extremely counterproductive and unconscionable.

I also wish to note our committee's concern about worker safety as it relates to the implementation and enforcement of rail safety statutes, including the Federal Railroad Safety Act of 1970, and the Occupational Safety and Health Act of 1970 [OSHA]. OSHA gives the Secretary of Labor certain authority to regulate working conditions that affect the occupational safety and health of employees generally. When OSHA was passed, Congress also recognized the existence of similar authority in other Federal agencies. Specifically, section 4(b)(1) of OSHA provides that OSHA will not apply to working conditions in cases where another Federal agency exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

As its primary mission, the FRA ensures safe railroad operations for railroad employees, customers, and the public. Given this mission, FRA has the primary responsibility for ensuring the safe working conditions of railroad employees in the context of railroad operations. In 1978, FRA issued its policy statement on railroad occupational safety and health standards that listed: First, those categories of working conditions and associated hazards that the agency was then regulating; second, those that it was not regulating but that required close coordination with the Department of Labor; and third, those over which FRA had no plans to exercise jurisdiction. The statement articulated the dimension of FRA's safety program and clarified the respective roles of FRA and the Department of Labor in assuring the occupational safety and health of railroad employees.

In view of legislation that has been introduced that would alter the current statutory formula, as well as concerns that have been expressed regarding possible regulatory gaps and confusion over jurisdiction, and the fact that considerable time has passed since FRA issued the statement in 1978, I believe that further examination of these important issues is appropriate. The Subcommittee on Transportation and Hazardous Materials has announced it will convene a hearing in the next few weeks to investigate these issues, and we intend to determine whether legislative clarification is needed to ensure that the safety of railroad employees in the workplace is properly addressed and enforced.

In summary, Mr. Speaker, this is a good bill that is needed to make further progress toward achieving safety in the rail industry. I strongly urge my colleagues to support this legislation.

Mr. RITTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the resolution, House Resolution 516.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CASH MANAGEMENT IMPROVEMENT ACT AMENDMENTS OF 1992

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5377) to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that act, and for other purposes.

The Clerk read as follows:

H.R. 5377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cash Management Improvement Act Amendments of 1992".

SEC. 2. PROVISION OF ADEQUATE TIME FOR IMPLEMENTATION.

The Cash Management Improvement Act of 1990 (Public law 101-543; 104 Stat. 1058) is amended—

(1) in section 4(c) (31 U.S.C. 3335 note), by striking "by the date which is 2 years after the date of the enactment of this Act" and inserting "with respect to each State";

(2) in section 5 (31 U.S.C. 6503 note)—

(A) in subsection (d)(1), by striking "not later than 2 years after the date of the enactment of this Act" and inserting "July 1, 1993, or by the first day of a fiscal year of the State which begins in 1993, whichever is later";

(B) in subsection (d)(2), by striking "2 years after the date of the enactment of this Act" and inserting "on July 1, 1993, or by the first day of a fiscal year of the State which begins in 1993, whichever is later"; and

(C) in subsection (e), by striking "2 years after the date of enactment of this Act" and inserting "for a State on July 1, 1993, or on the first day of a fiscal year of the State which begins in 1993, whichever is later"; and

(3) in section 6 (31 U.S.C. 6503 note), by—

(A) striking "Four" and inserting "Five"; and

(B) striking "submit" the first place that term appears and inserting "prepare".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. PETERSON] will be recognized for 20 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PETERSON].

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 5377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago, Congress passed into law the Cash Management Improvement Act of 1990, resolving a longstanding source of friction in intergovernmental relations by improving the efficiency and equity in the transfer of funds between the Federal Government and the States.

At that time, the act contained a 2-year effective date—a year for the regulations to be issued, and another year for the States to make systems changes, negotiate payment agreements with the Treasury, train personnel, issue guidance to State agencies and otherwise comply with the act.

However, because of several delays, the U.S. Treasury has not issued its implementing regulations in final form and is not expected to do so until mid-August of this year. This leaves the States only 2 months to make the major operational, administrative, and in some cases legislative, adjustments required to come into compliance with the Act. In fact, some States would need to call a special session of their legislature to avoid violating Federal law. We must act to correct this unfair burden on our State governments.

H.R. 5377 corrects this undue burden on State governments by delaying the effective date of the Cash Management Improvement Act of 1990 until July 1, 1993, or the first day of the State's fiscal year which begins in 1993, whichever is later. This will provide States sufficient time to amend their laws and make the necessary adjustments required by the Act.

I will include the Congressional Budget Office cost estimate to be included in the RECORD.

Every State will benefit from H.R. 5377, and for that reason the measure enjoys broad bipartisan support. I would especially like to thank the ranking minority member of the Committee on Government Operations, Representative FRANK HORTON for his strong support and assistance in drafting this bill. This legislation may be the last opportunity he and I have to work so closely together. The committee and the Congress will miss his leadership.

I urge my colleagues to support the passage of this bill and provide our State governments the cooperation and relief they request.

For the RECORD I include the Congressional Budget Office cost estimate referred to earlier.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5377.

2. Bill title: To amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes.

3. Bill status: As introduced in the House on June 11, 1992.

4. Bill purpose: H.R. 5377 would delay by eight months implementation of the Cash Management Improvement Act of 1990 (P.L. 101-453), which requires a state to pay interest on federal grant funds it receives before the state's checks for the grant-related activities are cashed and requires the federal government to pay interest to a state that must disburse its own funds before receiving a tardy federal grant payment.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Interest from the States:					
Estimated budget authority	75	.....	.....	.....	.....
Estimated outlays	75	.....	.....	.....	.....
Interest to the States:					
Estimated budget authority	−45	.....	.....	.....	.....
Estimated outlays	.....	−45	.....	.....	.....
Total effect:					
Estimated budget authority	30	.....	.....	.....	.....
Estimated outlays	75	−45	.....	.....	.....

The costs of this bill fall within budget function 900.

Basis of estimate: CBO estimates that delaying implementation of the Cash Management Improvement Act roughly eight months (from October 24, 1992, to July 1, 1993) would result in forgone interest offsetting receipts to the federal government of $75 million in 1993 and interest outlay savings of $45 million in 1994.

CBO's baseline assumes that implementation of the Cash Management Improvement Act beginning in late October 1992 would result in receipt of $103 million in interest from states in 1993. The federal government would also incur obligations in 1993 to pay interest to the states totaling $62 million, with the resulting outlays occurring in 1994. These projections were based on information from OMB and Treasury about the timing of payments and receipts, data from a pilot program with four states, and CBO's baseline projections of spending for grant programs.

Delaying implementation by roughly eight months would cause the federal government to forgo eight-elevenths of the offsetting receipts in 1993, but would also reduce interest payable to the states accrued in 1993, and resulting 1994 outlays, by eight-elevenths.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 5377 would affect direct spending. Therefore, pay-as-you-go procedures would apply to this bill. The estimated net pay-as-you-go effects on outlays are zero in 1992, $75 million in 1993, $−45 million in 1994, and zero in 1995.

7. Estimated cost to State and local governments: In 1993, the bill would reduce interest payments required to be paid to the federal government by the states by $75 million. However, in 1994, the states would receive about $45 million less in interest from the federal government.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Ellen Hays.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	0	75	−45	0
Change in receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to urge the House to suspend the rules and pass H.R. 5377, to allow States adequate time to prepare for the implementation of the Cash Management Improvement Act.

That act was passed overwhelmingly 2 years ago with bipartisan support. Its

[1] An estimate of H.R. 5377 as introduced by Mr. Conyers on June 11, 1992. This estimate was transmitted by the Congressional Budget Office on July 17, 1992.

purpose was simple: ensure greater efficiency in the transfer of funds between the Federal and State governments. Under the act, the incentive for one level of government to benefit from holding the other's funds is gone. If State governments request Federal funds early, they pay the Treasury interest. If the Federal Government is late in getting payments out to the States, the Treasury will owe the State interest.

Before passage of the Cash Management Improvement Act, the Federal Government was collecting interest from States on a variety of programs, while the Federal Government was prohibited by law from paying interest to States. By requiring the Federal Government to pay the States interest on delayed funds, the act puts States on an even footing with the Federal Government.

The concerns of the State officials are that the effective date of the act is October 24, 1992, but the U.S. Department of Treasury will not have finalized their regulations until mid-August. Under current law, States would be given only about 2 months to negotiate payment agreements with Treasury, train their personnel, and otherwise implement the agreement. With most State legislatures already out of session, few States can enact the statutes necessary to prepare for the new Federal requirements.

I am enclosing in the RECORD a letter I received from the Honorable Edward V. Regan, comptroller of the State of New York, voicing the concerns of the State of New York in meeting the current deadline of the Cash Management Improvement Act. This letter is representative of the dozens of letters I have received from State officials and Members of Congress from all around the country, including Virginia, California, Texas, and Michigan.

In short, the original act was a basic good government idea. Unfortunately, we simply did not understand how difficult it would be to promulgate regulations and how much time it would require for State governments to change their accounting systems. The bill pending today will correct that defect by allowing States more time to comply with the act.

H.R. 5377 extends the effective date of the act from October 24, 1992, to July 1, 1993, or the first day of a State's fiscal year beginning in 1993, whichever is later. If enacted, States would have nearly 9 months to amend their financial practices to meet the requirements of this law.

I do understand that the Bush administration has concerns over how this act will be applied to the pay-go rules of the 1990 budget agreement, which require offsetting revenues to bills resulting in increased spending or reduced receipts. I also understand that if the bill were presented to the President today, it would fall within the spending caps for fiscal year 1993 and a veto would be avoided. Let me assure all Members that it is my intent to work with the administration to help identify offsetting receipts if this bill cannot be applied to a positive pay-go balance.

Mr. Speaker, delaying the implementation date of this act is a fair and responsible response to the difficulties associated with implementing the Cash Management Improvement Act. I hope that all Members will support enactment of H.R. 5377.

OFFICE OF THE STATE COMPTROLLER,
Albany, NY, March 30, 1992.

Hon. FRANK HORTON,
U.S. House of Representatives, Washington, DC.

DEAR MR. HORTON: It has been two years since we last commented to you regarding H.R. 4279, the Cash Management Improvement Act of 1990 ("CMIA"), which you cosponsored in the House. As you are aware, the effective date for the negotiated agreements between states and the Secretary of Treasury, which govern the exchange of funds and any interest liabilities thereon, is October 24, 1992.

We are extremely concerned about this start date, as the U.S. Treasury is just now releasing the proposed implementing regulations with the intention of finalizing them until early summer. New York, like many other states, assumes that Congress intended an earlier release of these regulations; we therefore believe that a three or four month time frame for overall implementation is not sufficient. Since the implementation process of the CMIA will be complex and additional State legislation will be necessary to effect any interest payments to the federal government, we strongly believe that additional time is necessary to negotiate an equitable Federal/State agreement. I ask your support, in the discussions now taking place, to postpone the October 24, 1992 CMIA effective date.

Thank you for your consideration in this important matter and should you or your staff have any questions, please contact Mr. John Hull, my Deputy for Investments and Cash Management.

Sincerely,

EDWARD V. REGAN,
Comptroller, State of New York.

NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS AND TREASURERS,
Harrisburg, PA, June 26, 1992.

Hon. FRANK HORTON,
Committee on Government Operations, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE HORTON: Thank you for sponsoring H.R. 5377, which would extend the effective date of the Cash Management Improvement Act (CMIA). The bill has the overwhelming support of the states, and I am sure that the federal government, as well as the states, will benefit from the additional time it would allow for the thoughtful implementation of the Act.

I especially want to acknowledge the fine work of Don Upson and Kevin Sabo of your staff. They exhibit the thoroughness and professionalism that typifies your staff. Their quality work is indicative of the reason why so many of us in the intergovernmental affairs arena will miss you upon your retirement from Congress.

I wish you well in future endeavors and want to thank you for all you have done to promote governmental effectiveness during your tenure.

Sincerely,

HARVEY C. ECKERT,
President.

Mr. PANETTA. Mr. Speaker, H.R. 5377 postpones, for 8 months, implementation of certain provisions of a cash management reform that was enacted in the Cash Management Improvement Act of 1990. The reform was intended to compel States to pay the Federal Government interest on grant money that they get before they need it, while also compelling the Federal Government to pay the States interests if its grants are late.

The Congressional Budget Office estimates that budget outlays will be $75 million higher in fiscal year 1993 if H.R. 5377 is passed, owing to lower interest payments from the States, which are counted on the outlay side as offsetting receipts. This is only partly offset in fiscal year 1994 when Federal outlays of interest payments to the States will be $45 million lower. Over the 2 years, Federal deficits will be $30 million higher.

Since there are no provisions for a pay-as-you-go offset in H.R. 5377, we run the risk of a fiscal year 1993 sequester if this bill is enacted, if additional 1993 deficit-increasing legislation is enacted, if the administration's Office of Management and Budget concurs in this scoring and insufficient pay-as-you-go offsets can be found.

For the information of Members, I attach the CBO cost estimate on H.R. 5377.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 1992.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5377, which amends the Cash Management Improvement Act of 1990.

Enactment of H.R. 5377 would affect direct spending, and therefore pay-as-you-go procedures would apply under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI is attached.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5377.

2. Bill title: To amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes.

3. Bill status: As introduced in the House on June 11, 1992.

4. Bill purpose: H.R. 5377 would delay by eight months implementation of the Cash Management Improvement Act of 1990 (P.L. 101–453), which requires a state to pay interest on federal grant funds it receives before the state's checks for the grant-related activities are cashed and requires the federal government to pay interest to a state that must disburse its own funds before receiving a tardy federal grant payment.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Interest from the States:					
Estimated budget authority	75	.....	.....	.....	.....
Estimated outlays	75	.....	.....	.....	.....
Interest to the States:					
Estimated budget authority	−45	.....	.....	.....	.....
Estimated outlays	.....	−45	.....	.....	.....
Total effect:					
Estimated budget authority	30	.....	.....	.....	.....
Estimated outlays	75	−45	.....	.....	.....

The costs of this bill fall within budget function 900.

Basis of Estimate: CBO estimates that delaying implementation of the Cash Management Improvement Act roughly eight months (from October 24, 1992, to July 1, 1993) would result in forgone interest offsetting receipts to the federal government of $75 million in 1993 and interest outlay savings of $45 million in 1994.

CBO's baseline assumes that implementation of the Cash Management Improvement Act beginning in late October 1992 would result in receipt of $103 million in interest from states in 1993. The federal government would also incur obligations in 1993 to pay interest to the states totaling $62 million, with the resulting outlays occurring in 1994. These projections were based on information from OMB and Treasury about the timing of payments and receipts, data from a pilot program with four states, and CBO's baseline projections of spending for grant programs.

Delaying implementation by roughly eight months would cause the federal government to forgo eight-elevenths of the offsetting receipts in 1993, but would also reduce interest payable to the states accrued in 1993, and resulting 1994 outlays, by eight-elevenths.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 set up procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 5377 would affect direct spending. Therefore, pay-as-you-go procedures would apply to this bill. The estimated net pay-as-you-go effects on outlays are zero in 1992, $75 million in 1993, $−45 million in 1994, and zero in 1995.

7. Estimated cost to State and local governments: In 1993, the bill would reduce interest payments required to be paid to the federal government by the states by $75 million. However, in 1994, the states would receive about $45 million less in interest from the federal government.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Ellen Hays.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	0	75	−45	0
Change in receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

□ 1310

Mr. HORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

[1] An estimate of H.R. 5377 as introduced by Mr. Conyers on June 11, 1992. This estimate was transmitted by the Congressional Budget Office on July 17, 1992.

Mr. PETERSON of Minnesota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 5377.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5377, CASH MANAGEMENT IMPROVEMENT ACT AMENDMENTS OF 1992

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes to the bill, H.R. 5377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENDING BOUNDARIES OF NATIONAL GALLERY OF ART

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5059) to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden.

The Clerk read as follows:

H.R. 5059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(2) of the Act entitled "An Act relating to the policing of the buildings and grounds of this Smithsonian Institution and its constituent bureaus", approved October 24, 1951 (40 U.S.C. 193v(2)), is amended by inserting before the period at the end the following: ", and (C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be able to speak on behalf of H.R. 5059, which extends the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden.

The next few years will bring the fruition of an idea that has been in existence for over a quarter century: The creation of a sculpture garden on The Mall, to integrate treasures of the National Gallery into the very texture of The Mall itself. By 1994, the area between Seventh and Ninth Streets, Constitution Avenue, and Madison Drive Northwest will be transformed into a walk-through, natural exhibition space for a rotating selection of sculptures. I join my colleagues in congratulating the National Gallery of Art on this public-spirited project. It is a complement both to its mission and its staff.

However, Mr. Speaker, the current law concerning the legal physical definition of the National Gallery has presented a security problem in the new garden. Gallery police have jurisdiction only in the legally defined area comprising the gallery, which now consists of its two buildings on The Mall. They do not have jurisdiction over the sculpture garden site. The gallery is therefore powerless to police this new extension of its exhibition space. As a police presence is required during construction as well as the years afterward, the entire project is being hobbled by the current definition of the gallery.

Mr. Speaker, this bill, H.R. 5059, extends the legal definition of the National Gallery of Art's buildings and grounds to include the site of the future sculpture garden. The Subcommittee on Libraries and Memorials and the full House Administration Committee have reviewed this legislation, and we have voted unanimously to favorably report this legislation before this body today. I urge my colleagues to support and adopt H.R. 5059.

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

I join my colleague from Missouri in congratulating the National Gallery on its plans to open the National Sculpture Garden in 1994.

The National Sculpture Garden will incorporate masterpieces from the gallery's collection in an open-air exhibition on The Mall beside the West Building.

H.R. 5059 would extend the gallery's jurisdiction for the purpose of security during and after construction to include this area between Seventh and Ninth Streets, Constitution Avenue, and Madison Drive.

Last year the National Gallery of Art celebrated its 50th anniversary year. It is one of the premier museums in the world, and continues to serve its visitors with special and permanent exhi-

bitions of the highest caliber. I am confident that the National Sculpture Garden will be a notable addition.

I urge my colleagues to support H.R. 5059.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill H.R. 5059.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks on H.R. 5059.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING CONSTRUCTION OF A MONUMENT TO HONOR THOMAS PAINE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes.

The Clerk read as follows:

H.R. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MEMORIAL

(a) AUTHORIZATION.—The Thomas Paine National Historical Association U.S.A. Memorial Foundation is authorized to construct in the District of Columbia or its environs an appropriate monument to honor the United States patriot, Thomas Paine.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The design, location, and construction of the monument authorized by subsection (a) shall be subject to the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXPENSES

The United States shall not pay any expense of the establishment of the memorial.

SEC. 3. EXPIRATION OF AUTHORITY

If the authority to establish the memorial under this resolution shall expire, in accordance with 40 U.S.C. 1001, section 10(b), all unexpended funds collected by the Thomas Paine National Historical Association U.S.A. Memorial Foundation through charitable solicitation shall be transferred to the National Park Service for the express purpose of maintaining existing national memorials or returned to the donors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be able to speak on behalf of H.R. 1628, a bill to authorize the Thomas Paine National Historical Association U.S.A. Memorial Foundation to establish a memorial on Federal land in the District of Columbia or its environs to honor Thomas Paine. The foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used.

Thomas Paine's writings were a catalyst of the American Revolution. His insistence upon the right to resist arbitrary rule has inspired oppressed peoples worldwide, just as it continues to inspire us. It is time that a grateful nation gives him a permanent place of honor in the capital of the country he helped build.

Mr. Speaker, the Subcommittee on Libraries and Memorials and the full House Administration Committee have reviewed this legislation, and we have voted unanimously to favorably report this legislation before this body today. I urge my colleagues to support and adopt H.R. 1628.

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

Over 200 years ago Thomas Paine defended the creation of a new government created by the people and for the people with the words:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country * * *. Tyranny, like hell, is not easily conquered.

Today that fledgling nation stands strong, looking to the future with a confidence many take for granted.

Paine was the first to insist that America adopt a new system of republican government, rather than simply incite rebellion against British rule. This memorial will honor a man who inspired Colonial Americans to liberate themselves from an imperialistic power. Little did they know then, that this new nation would become the blueprint for the modern world. It is only fitting that we honor this visionary in memorial.

A brilliant revolutionary, Paine composed influential pieces including "Common Sense" and "The Rights of Man." Not only were these works popular in Colonial America, but throughout Latin America and Europe as well. He also penned a series of inspirational pieces entitled "The American Crisis" which George Washington used to inspire exhausted troops during battle.

H.R. 1628 enjoys bipartisan support. Citizens who wish to honor this American hero will be able to do so through their own efforts and private fundraising activities. No Federal funds will be used to establish the memorial.

Mr. Speaker, I join my colleague from Missouri in supporting the establishment of a memorial to this American hero.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 1628.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1320

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1628, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION AND A BILL RELATING TO MOST-FAVORED-NATION TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 502) disapproving the extension of nondiscriminatory treatment (most-favored-nation) to the products of the People's Republic of China. The joint resolution shall be debatable for one hour, to be equally divided and controlled by Representative Solomon of New York and Representative Rostenkowski of Illinois or their designees. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. All points of order against consideration are hereby waived with respect to the measures speci-

fied in this section and section 3 of this resolution.

SEC. 2. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the One Hundred Second Congress.

SEC. 3. After disposition of the joint resolution (H.J. Res. 502), it shall be in order to consider in the House the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes. The bill shall be debatable for one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall be considered en bloc and which shall not be subject to a demand for a division of the question, and on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. Mr. Speaker, during the consideration of House Resolution 514, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 514 provides for the consideration of two matters relating to extension of most-favored-nation trade status with the People's Republic of China. Mr. Speaker, as was the case in 1991, the Committee on Rules has reported an order of business resolution which will provide the House with ample opportunity to once again debate all the issues relating to the trading status of the People's Republic of China and the United States and to express its will on the extension of MFN to the People's Republic of China. I would like to express my thanks to the gentlelady from California [Ms. PELOSI] for her continued strong moral leadership on this issue, and to my colleague on the Rules Committee, Mr. SOLOMON, for his dedication to the pursuit of human rights and justice in the People's Republic of China.

Mr. Speaker, House Resolution 514 provides for the consideration of two legislative proposals: the first, House Joint Resolution 502, to disapprove the extension of MFN treatment to the People's Republic of China; and the second, H.R. 5318, to permit extension of MFN treatment to the People's Republic of China in 1993 only if the President certifies that the Chinese Government has, among other requirements, released and accounted for all those individuals who were detained or imprisoned for expressing their political beliefs in Tiananmen Square in June 1989. H.R. 5318 differs from previous legislation by providing that the products of enterprises not owned by the Chinese Government—specifically qualified foreign-owned joint ventures and other private enterprises—will be accorded MFN status even if the President does not recommend a waiver or if a recommended waiver is disapproved by Congress.

House Resolution 514 provides that it shall first be in order to consider House Joint Resolution 502 and that the joint resolution shall be debatable for 1 hour, to be equally divided and controlled by Representative SOLOMON and Representative ROSTENKOWSKI or their designees. Pursuant to the provisions of sections 152 and 153 of the Trade Act of 1974, which provide for the method of consideration, House Resolution 514 provides that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. House Resolution 514 also waives all points of order against the consideration of House Joint Resolution 502 and H.R. 5318, consideration of which is provided for in section 3 of House Resolution 514.

Because the consideration of a joint resolution of disapproval of MFN status for the People's Republic of China in 1993 is dealt with in section 1 of this rule, section 2 of House Resolution 514 provides that it shall not be in order to consider any other joint resolution of disapproval relating to the People's Republic of China for the remainder of the 102d Congress.

Finally, section 3 of the rule provides for an up or down vote on H.R. 5318. The rule provides for 1 hour of general debate on the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule also provides that the previous question shall be considered as ordered on the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall be considered en bloc and which shall not be subject to a demand for a division of the question, and on the bill to final passage without intervening motion except one motion to recommit.

Mr. Speaker, in 1991, the House passed both a joint resolution of disapproval, sponsored by Mr. SOLOMON, and a conditions bill, sponsored by Ms. PELOSI. While the Senate did not consider the disapproval resolution, it did pass the Pelosi conditions bill and a conference agreement was sent to the President. The President vetoed the conditions legislation on March 2. While the House overrode the President's veto by a vote of 357 to 61, it was sustained by the Senate by a vote of 60 to 38—seven votes short of the number required to override. As a consequence of the President's veto, products exported from the People's Republic of China are eligible for MFN status for all of 1992.

Mr. Speaker, in the past few months, the People's Republic of China has agreed—and agreed only—to sign a memorandum of understanding with the United States which would grant access to Chinese prisoners and to prevent the export of forced labor products. However, no language has yet been presented for approval, and without an approved agreement, obviously no signatures have been affixed. The record of the Chinese Government is not very convincing when it comes to bringing it into the mainstream of world thought regarding recognition of the rights of the individual in a society governed by the rule of law. What is convincing about the Chinese Government is, however, its commitment to the export of its products to the lucrative markets of the United States: in 1992 alone, China's trade surplus with our country is expected to rise to nearly $20 billion. And, since the massacre in Tiananmen Square in 1989, China's trade surplus with the United States has more than doubled.

This trade surplus has given the Chinese Government the financial resources to withstand pressures to reform its treatment of its citizens. Mr. Speaker, the House has spoken strongly against the regime in Beijing and its treatment of political prisoners, its activities which promote the proliferation of nuclear weapons, and its unfair international trade practices. Mr. Speaker, the House has an opportunity to speak clearly again today. I urge adoption of House Resolution 514 so that the House may proceed to the consideration of these most important legislative proposals.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, whenever the issue of most-favored-nation status for China is debated on this floor, I have a keen sense of how improbable my own role in that debate must appear. I do not think there is a Member in this House who has carried more water for the Reagan-Bush administrations than certainly I have for the past 12 years. But in just a few minutes I will be asking Members to disapprove the President's recommendation that MFN for China be renewed.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has indicated, House Resolution 514 is a rule that makes in order the consideration of two measures. First, the rule provides for 1 hour of debate on House Joint Resolution 502. That is a resolution that I introduced which would disapprove the President's recommendation that China's MFN status be renewed for another year.

□ 1330

That 1 hour of debate is to be equally divided and controlled by the gentleman from Illinois [Mr. ROSTENKOWSKI], and myself. We have agreed to yield time on our respective sides of the aisle to Members who sup-

port and oppose the resolution of disapproval. I think that is only fair.

I would also point out that under the standing rules of the House, the resolution of disapproval which I have introduced would not be subject to amendment at all. That is according to the rules of the House.

Following a vote on the resolution of disapproval, it shall then be in order to have 1 hour of debate on H.R. 5318, the bill introduced by the gentleman from Ohio [Mr. PEASE] and the gentlewoman from California [Ms. PELOSI]. As Members know, the Pease-Pelosi bill would set certain conditions that China would have to meet before MFN status could be renewed next year—a year from now.

Debate on that bill will be equally divided and controlled by the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and the ranking Republican, the gentleman from Texas [Mr. ARCHER].

The bill will not be subject to amendment, and I should point out that no amendments were requested from either Democrats or Republicans. So nobody is being gagged. That is why both the Democrat and Republican leaderships have requested a closed rule, and that is why I reluctantly support a closed rule.

Mr. Speaker, I will have more to say later about the substance of the issue before us, but suffice to say right now that I support and have cosponsored the Pease-Pelosi bill.

Indeed, the resolution of disapproval and the Pease-Pelosi bill setting forth conditions can be seen as being compatible or complementary. My resolution of disapproval would terminate China's MFN status right now. The Pease-Pelosi bill would set conditions that would have to be met in the next year before MFN status could be renewed or restarted a year from now.

So Members can in good conscience support both the resolution of disapproval and the Pease-Pelosi bill. Mr. Speaker, I hope that the House of Representatives will send an unmistakable message today, a message that the Chinese Communist dictatorship will have no difficulty in understanding.

Therefore, I urge support of this rule and for the two bills coming afterward.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, you know, we have beaten the Soviet Union and Eastern European communism, and it cost the American taxpayers hundreds and hundreds of billions of dollars to do it. We boycotted the communism in Cuba. We have spent the lives of 58,000 Americans in Vietnam fighting communism, hundreds of thousands injured and missing in action, and yet here we are, we are going to embrace communism in China.

It is the same ideology that we have fought all of these years, slave labor, child labor making products in China, sending them over into our marketplace to compete with our free-enterprise system and allowing them to come in with no tariffs on them.

We are going to recognize a country that has human-rights abuses, deprivation of free speech, 1,700 killed in Tiananmen Square just because they wanted to stand up and say something that was free. To continue this economic hypocrisy is cruel to every American, to every American veteran who went to war and fought to save our democracy, to every American citizen who helped to build our Nation, to over 10 million Americans who are without a job today because we are allowing all of these products to come in from outside the United States.

So what do we do? Do we throw all of that out the window now to appease, to condescend, to beg for the Communist market? Well, what market? What kind of a market do they have over there? How many Chinese are going to be buying our products?

Then on top of that, they restrict our products from going into China, but yet we open our doors.

You know that we have a $13 billion deficit, trade deficit, with China. It is only the second highest to Japan. It is no wonder the American people are angry, and they are mad as hell because we continue this hypocrisy.

I say that if is time to stop exporting American jobs and start importing American jobs and producing the products that we were so proud of producing all of these years.

I tell you, if you want to balance the budget, you cannot do it with minimum wage jobs. It is time to start looking after America first. It is time for America to keep our own industries, to keep our own products in this country and to keep real jobs right here in America.

We can help others, and I do not see anything wrong with that, from time to time. But we have got to be healthy ourselves. You can never see a sick doctor helping a sick patient. They are not going to get well very fast.

I say that it is in the best interests of this Congress and the American people that we kill this MFN bill that is before us today and stop the hypocrisy that is going on.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to state that a Member just came up to me and asked what would be the consequences if the Solomon resolution of disapproval were to be passed today and subsequently go on to become law.

The answer is that it would suspend most-favored-nation treatment immediately. However, there is nothing in the Solomon resolution that would prevent the President of the United States from coming back to the Congress tomorrow, a week from tomorrow, a month from tomorrow, 6 months from tomorrow and requesting that MFN status for China be reinstated or be reestablished.

I just wanted to make that clear to the membership so Members will understand that even if the Solomon amendment does pass today and the Pease-Pelosi bill also passes, they will both go on over to the Senate, both bills. The only difference is that the Solomon bill says we are going to cut MFN off now. The Pease-Pelosi bill, which I also support, would lay down conditions that would have to be met 1 year from now in order for China's MFN to be renewed or restarted.

For the last 3 years, as the gentleman from Ohio has just pointed out, our trade deficit with the People's Republic of China has tripled. This year our trade deficit with China is reaching toward $20 billion. Do you know how much money that is? That is half, half of the entire trade deficit we have with that other country over there by the name of Japan.

Think what our trade deficit with China is going to be 3 years from now. It could be equal to that of Japan. That is why we need to enact both the Solomon measure and the Pease-Pelosi bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman of the Human Rights Task Force.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in exchange for our friendship—for MFN—we ask very little of China. If it wants preferential trade status it must meet the barest minimum standards for a civilized nation, including extending basic human rights to its people.

Let us set the record straight. China is not even approaching the minimum standards for a civilized country, particularly regarding its use of slave labor, the persecution of prodemocracy advocates, and its treatment of the long-suffering people in Tibet.

For example, just today Bao Tong, a former high-ranking Communist official, was sentenced to 7 years in a Chinese gulag for his prodemocracy activities during the Tiananmen Square demonstrations.

China needs to be sent a clear message. While I understand all the arguments on the other side and am sympathetic with many of them, this bill is a clear message to the Chinese leadership and one that they will receive loud and clear.

While we send this message to the Chinese we should also consider sending a clear and direct message of hope directly to the Chinese and Tibetan people. Last year, I introduced legislation which would create Radio Free

China, which is modeled on Radio Free Europe. Radio Free China would broadcast Chinese language programming specifically tailored to spread news relevant to the Chinese people regarding international support for their democratic movement, opposition to the Chinese Government's oppression, and news about the success of other democracy movements around the world.

Like all communist regimes, the Chinese leadership maintains control by keeping its people in a state of fear and ignorance. Radio Free China would frustrate the leadership by bypassing them and empowering the Chinese people directly.

In addition, I am very pleased that the Ways and Means Committee included report language expressing concern about the Chinese Government's policy of encouraging the migration of Chinese settlers into Tibet. This population transfer is a conscious effort by the Chinese Government to make the Tibetans a minority in their own homeland. Beginning with the invasion of Tibet in 1950, there has been a massive influx of Chinese settlers into all parts of Tibet, including the so-called Tibet autonomous region. Today, the Chinese colonization of Tibet continues unabated.

Although the exact number of Chinese settlers in Tibet is difficult to determine, it is estimated that between 4 and 7 million Chinese are living in Tibet. At the same time, over 6,000 Tibetan monasteries have been destroyed and 1 million Tibetans have died as a result of Chinese policies. The inundation of Chinese settlers and the persecution of Tibetans is threatening Tibet's unique national identity and culture with extinction. Quite simply, if current rates of Chinese immigration into Tibet continue, Tibet will ultimately cease to exist as a nation, as a culture, and as a people.

For the sake of all Tibetans living in Tibet and in exile, the People's Republic of China must discontinue its population transfer policy which threatens Tibet's existence, and I appreciate the committee for calling attention to this important issue.

I would also like to mention one provision in the Pease bill that I think is very important but that often gets overlooked next to all the other important provisions. That is the condition that the President may not recommend MFN unless he certifies that China is adhering to the spirit of the Sino-British Joint Declaration.

In contrast to China, Hong Kong has a long history of economic freedom and prosperity. In addition, democratic institutions are developing at a rapid rate in Hong Kong and Hong Kong's new Governor, Chris Patten, has indicated that he may move to increase the number of elected seats in the legislative council.

The joint declaration—which guarantees that Hong Kong will be allowed to maintain its way of life for 50 years after the Chinese take control in 1997—is the people of Hong Kong's only guarantee that China will not trample on their rights and impose a strict totalitarian regime as soon as it takes control.

But the only incentive that China has to adhere to this agreement is international insistence that China meet its obligations. Conditioning MFN on China standing by its agreements relating to Hong Kong is exactly the type of pressure we must keep on China to preserve Hong Kong's freedom.

I thank Mr. PEASE and Ms. PELOSI for including this important provision and for all of their hard work to bring this important bill to the floor. I urge Members to support the people of China, Hong Kong, and Tibet and vote for the Pease bill.

□ 1340

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, under no circumstances can I support a most-favored-nation trade status for China.

I want to give credit to the gentlewoman from California trying to put some conditions on this, give credit to the distinguished member of the Rules Committee, being a leader on many economic issues and workers' issues.

I can see no condition that tells me to accept any most-favored-nation trade status for China. Congress should be listening to some of the words. If you are an American businessman, how can you compete with an economy that is unregulated and pays people 17 cents an hour? Half the time they are Chinese convicts that are making the products, sending them to America, being relabeled in Hong Kong, putting phony labels on them, wrecking our economy.

In 1991, Mr. Speaker, it was almost $13 billion surplus, second only to Japan with Uncle Sam. This year it will be $20 billion. For each 1 billion dollars' worth of trade surplus that China enjoys, we lose 20,000 manufacturing jobs. We have lost a quarter of a million manufacturing jobs and all Congress is willing to do is rearrange the deck chairs.

We are exporting jobs hand over fist. We have both parties singing out of the same hymn book on trade.

If you are an American worker in a manufacturing plant, you are going to lose your job. You will lose your job with these policies.

I am not here to talk about human rights. I am not here to talk about Communist dictators. Whether it is a Communist dictator or a benign parliamentarian, if America is going to let 17-cents-an-hour countries send their products to America, we will not have a job left.

I said years ago, with the policies that we had, we would have a rice paddy on the east lawn of the White House. I am going to change that today. The chances are we will have a Chinese rice paddy, probably before we have a Japanese rice paddy because that Communist dictatorship will insure their strength in dealing with America through trade.

I am not here today granting any type of human relations programs. This is strictly economics and the economics of it is very simple. You keep allowing these types of low regulated, no regulation, low wage economies into our borders free of charge, you will not have a job left.

So I am voting to disapprove, and there are absolutely no conditions that I could support that will continue an American policy toward China that allows them this access.

If that $20 billion does not scare you today, ask yourselves the question, if you were going to manufacture widgets, why would you invest the money in Pennsylvania or Ohio or California or Texas? Bad enough they are going to Mexico. Another 5 years they will be shipping to China.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in support of the resolution as proposed by the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, renewing MFN status for the People's Republic of China ignores the enslavement of Tibet and is tantamount to an endorsement of human rights abuses.

Those who buy off on the elitist notion that the people of China are not ready for democracy, negate the ideals of our own Founding Fathers. Let me remind you, all people, including the Chinese, are endowed by their Creator with certain inalienable rights.

The human rights situation inside China and Tibet is getting worse. MFN for the Communist regime has not resulted in a loosening of tyranny or in democratization.

Mr. Speaker, today we are being asked to appease the Chinese dictators to maintain our leverage, or to send a clear message to the Communists that their tyranny will not be tolerated. Put me down as sending a message to the bullies and tyrants. "It's time for you to go." Appeasement brought us Saddam Hussein and Serbia's Milosevic; it brings tyranny and conflict not evolutionary reform.

I agree with my colleague, Mr. SOLOMON of New York, we should not renew MFN with China. Failing that, I will support efforts to set tough conditions for MFN.

Mr. Speaker, my opposition to MFN to China does not come without cost. My district has the largest harbor on the west cost. Many of the large aero-

space firms which do business in China are my constituents. I have met with them and explained my position eye to eye. After our discussions they at least understand that and firmly believe the United States must be defined by more than short-term business interests. That we have a responsibility to guard our principles. I ask you to consider that responsibility today.

In the long term, our commercial interests and our commitment to human rights and democracy are not contradictory. Freedom will prevail, the boot of tyranny will be lifted off the throats of the oppressed. We should be on the side of those who will someday rise up and claim their rightful freedom, not with those who jail, torture, and oppress those who seek nothing more than the political and economic freedom we Americans enjoy and hold precious.

Now is the time, not to be cementing our ties to one of the last remaining Communist dictatorships on this planet. We, instead, should be expanding our ties with the free and ever more democratic Chinese Government on Taiwan.

While communism and socialism has impoverished the mainland, on Taiwan the people are prospering, the economy flourishing, and an environment of democratic freedom prevailing.

Our policies should be aimed at keeping faith with the real China, not the Communist clique, an oligarchy of geriatric thugs. The real China is composed of the millions of men, women, and children, especially the young people, who long for justice, decency and freedom. Let us reaffirm our friendship with them, the real China and reconfirm that we as American's believe that every person, no matter what nationality has inalienable rights, and we will not do business as usual with those who as a matter of policy and strategy, violate those rights.

□ 1350

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DREIER] who Roll Call magazine says is one of the brightest stars of the Republican Party, and a member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from New York, the distinguished ranking Republican on the Committee on Rules, Mr. SOLOMON, for those generous words.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, would the gentleman from California lean just a little bit to the right, because he is so bright it is blinding my eyes.

Mr. DREIER of California. I thank the gentleman for yielding to me.

Mr. Speaker, I am not supporting President Bush in his attempt to have Congress ensure most-favored-nation trading status to China because it will increase the opportunity to sell our equipment, manufactured in the United States, to the Chinese. I am not supporting President Bush in his attempt to grant most-favored-nation status for China because low-income Americans find it more affordable to purchase toys, shoes, and clothing.

I am supporting President Bush in his attempt to grant most-favored-nation status to China because I believe that it is the best way possible for us to deal with the horrendous human rights problem which exists in China.

We also need to turn the corner on a wide range of other concerns which have come to the forefront. In a moment I will address the question of nuclear arms proliferation and the transport of weapons from China to other parts of the world.

It seems to me if we really want to assist those who have been victimized by what Mr. ROHRABACHER correctly referred to as this oligarchy of old people—I do not have the term exactly which he used, but it was a very euphonious term—to describe those leaders in China. It seems to me, Mr. Speaker, we must do what we can to maintain contact with the people of China.

The gentleman properly raised the case of Saddam Hussein and Yugoslavia, but we must remember that it was exposure to the West which brought down the Berlin Wall and allowed those Eastern European people, who had been subjugated to low standard of living and totalitarianism for years to come forth. It was exposure because of the kind of communication that we now have with satellite technology that broke down those barriers, And it seems to me that, yes, there continues to be a barrier in China, but we do not want the people of China to have an even lower standard of living than they do today.

If you look at that country, the average per capita income is $350, and yet in the vibrant, moving, dynamic twin provinces adjoining Hong Kong, Guan Dong, and Fujian, the per capita income is $3,000.

Milton Friedman very accurately has said that "economic freedom is a indispensable means toward achieving political freedom." It seems to me that if we eliminate the kind of exposure to the West which President Bush wants us to maintain, we jeopardize the future of the people of China.

Yes, those old leaders are going to be fading from the picture, and we must remember the words that were given to many of us by Fong Lizhi, who was held hostage as one of the leading dissidents in China. Those words were, "Talk about the human rights violation, but please do not allow China to have a lesser standard of living," and eliminating most-favored-nation status would do just that.

Now to the arms question. We have seen some success on the nuclear arms front and the transfer of weapons in that China has signed the Nuclear Nonproliferation Treaty of 1968, a very positive sign. If we eliminate MFN their need for hard currency will lead them to export weapons.

We are concerned about human rights violations. The Australians and the French are today in discussions with the Chinese in our attempts to improve the human rights situation in China. And one of the most famous journalists, who was a Chinese dissident, Tai Ching, who has been studying here in the United States, returned to China and made the statement very clearly that there is an improvement in the human rights situation.

Two months ago we saw that they released the three Catholic clerics who had been held prisoner. And, yes, there are other very serious cases which need to be addressed. But I believe, Mr. Speaker, we are on the road toward addressing those concerns. I hope very much that we will be able to give the President, President Bush, the tools to do just that.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my good friend, one of my closest friends from California, that he has just made the greatest argument on behalf of the Solomon resolution to disapprove MFN for China. The point he made was that over the last decade we refused to give MFN status to the Soviet Union, 300 million people enslaved by communism.

The result of that refusal was to bring down the Iron Curtain, to tear down the Berlin Wall.

If we had done the same thing to China during the 1980's, communism would be no more in China. What we have done by giving MFN unconditionally is to prop up that Communist regime. Year after year after year, we continue to approve and reapprove MFN for China. Let us stop it today.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], an outstanding member of the Committee on Foreign Affairs and the ranking member on the Subcommittee on Human Rights and International Organizations.

Mr. BURTON of Indiana. I thank the gentleman for yielding to me.

My colleague, the gentleman from California [Mr. ROHRABACHER], a few minutes ago referred to the leadership in Communist China as an oligarchy of geriatric thugs. I think that says it very, very well. The fact of the matter is that just a short time ago people across this country watched in horror as we saw young Chinese people who had a Statue of Liberty built there in Tiananmen Square, literally ground

into dog meat by tanks. They were stacked up like cordwood, and they were burned, thousands of them. We do not really know how many.

There are 10 million people, at least, in Communist gulags who are working as slave laborers—slave laborers. My colleague from California who just spoke a moment ago, the gentleman from California [Mr. DREIER], indicated that this sort of thing no nation should tolerate, and we should not.

□ 1400

If we believe in human rights, if we believed in the dignity of man, if we believed in fairness, and democracy, and freedom, and all the things we hold dear, we cannot turn a blind eye to what is going on in Communist China, and it bothers me that the administration, which I support, wants to grant MFN to China at a time when these kinds of atrocities do take place. They say we have to keep open our lines of communication with one billion people, the world's largest country. Well, I agree that we need to keep open our lines of communication, but that does not mean we have to do them any favors when they are doing this to their fellow man.

In the Soviet Union, we did not allow them MFN, and they were a much bigger threat to the United States than China will ever be. We turned our back on them. We said, "We're not giving you one dime of anything until you allow human rights violations to end," and until they allowed the Jewish people to be able to immigrate to Israel, to get out of their country. There were a lot of things that we stood up for against the Soviet Union, and yet Communist China, that has 10 million people in Communist gulags, women and children who are being tortured and suffering, given one little bowl of gruel a day so that they can continue to do the job of making shirts, wine, and other things that they send the West for us to buy so we can keep those people in power; we allow that sort of thing to go on.

So, Mr. Speaker, I just would like to say to my colleagues, the gentlewoman from California [Ms. PELOSI] who has led the charge on this issue earlier, and my good friend, the gentleman from New York [Mr. SOLOMON], who is leading the charge today, "I agree with you and congratulate you on your efforts," and I urge the administration to revisit this issue to not allow MFN to go on until they change their mode of behavior, until they allow human rights, until they let those people out of those Communist gulags, those slave laborers. This is something the United States of America should not allow to happen. We should not be a party to it. We should not stand up with them in any way until they allow the kinds of human rights that we believe are important to the human race.

Mr. SOLOMON. Mr. Speaker, if the gentleman from Texas [Mr. FROST] has no further requests for time, I would simply urge support for the resolution and for the two bills that will follow it to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 4312 AND H.R. 5236

Mr. FROST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I probably will not object, but could the gentleman offer an explanation?

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, this is a communication from the Committee on Rules relating to legislation that will be pending before the Committee on Rules later this week.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, would the gentleman relate to which bills his announcement applies?

Mr. FROST. Yes; this is a communication from the Committee on Rules relating to the Voting Rights Language Assistance Act of 1992 and the Voting Rights Extension Act of 1992 and the status of that legislation that will be pending before the Committee on Rules later this week.

Mr. SOLOMON. If the gentleman from Texas would excuse me, I would ask him, "Are you making a request?"

Mr. FROST. Mr. Speaker, this is simply a notification to the House of how the Committee on Rules intends to proceed in this matter.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, the Rules Committee has received a request from the Committee on the Judiciary for a rule to H.R. 4312, the Voting Rights Language Assistance Act of 1992, and H.R. 5236, the Voting Rights Extension Act of 1992, that would require amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Although the Rules Committee has not decided upon this request, I wanted to alert Members on this possible requirement for H.R. 4312 and H.R. 5236 so that Members are prepared with their amendments. The Rules Committee is planning to meet on this bill Wednesday afternoon, July 22. It is anticipated that both measures will come to the floor on Thursday, July 23. Therefore, to fully ensure Members' abilities to offer amendments under the requested rule, they should have those amendments appear in the CONGRESSIONAL RECORD prior to the consideration of both bills.

Copies of the committee's reports and bills are available in the House Document Room. I appreciate the cooperation of all the Members.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 502 and H.R. 5318.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISAPPROVAL OF EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 514, I call up the joint resolution (H.J. Res. 502) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 502 is as follows:

H.J. RES. 502

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 2, 1992, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to House Resolution 514, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Texas [Mr. ARCHER], and I ask unanimous consent that he be allowed to yield time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 502 would rescind China's most-favored-nation [MFN] status, effective 60 days after enactment. While I am sympathetic to the sponsor's motivation for introducing this resolution, I must urge my colleagues to oppose House Joint Resolution 502 and to vote instead later today for the Pease-Pelosi bill, H.R. 5318.

Mr. Speaker, Members who support House Joint Resolution 502 will argue today that the United States must send a clear and unmistakable message to the Chinese leadership—that civilized people find China's behavior in the area of human rights, and many of its foreign policy actions, to be unacceptable. I fully agree. But voting for House Joint Resolution 502 is not the proper way to send that message.

A vote to cut off China's MFN status is a vote to cut off all potential influence of the United States over Chinese behavior. I will be the first to admit that we have not been as successful as any of us would like in bringing about improvements in China's behavior. However, I believe that our best hope for influencing Chinese behavior in the future is to continue to remain engaged in trade with China. Over the past year, we have made some progress in the areas of human rights, trade, and nuclear nonproliferation.

For example in the area of human rights, last October China issued its first white paper on human rights. In January, Premier Li Peng expressed the willingness of the Chinese Government to cooperate with other countries on human rights. And in June, we signed a memorandum of understanding with China which, for the first time, grants access by United States Government personnel to Chinese prisons.

In the area of trade, we signed a memorandum of understanding with China last February providing for improved intellectual property protection in China.

In the area of weapons nonproliferation, China agreed to the Nuclear Non-Proliferation Treaty last March and is participating in the Middle East arms control negotiations and in discussions to prevent the spread of chemical weapons.

What would have been the situation in these areas if the United States had severed its most important trade ties with China? Would the progress of the past year have been possible? The Answer is clearly "no." Can and should we do more? The answer is clearly "yes."

For these reasons, I urge my colleagues not to vote to return China to its isolationist past but rather to support the more moderate approach of the Pease-Pelosi bill. The Pease-Pelosi bill will provide additional negotiating leverage for the administration to use in its future dealings with China. That bill sends a strong message to China's leaders, but keeps the door open to important contacts and improved relations with the Chinese people.

A vote for the pending resolution will only play into the hands of China's hard-line leaders, who would love nothing more than to see their Western-oriented provinces and their people brought back under central control.

I urge my colleagues to oppose House Joint Resolution 502.

□ 1410

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all thank Chairman ROSTENKOWSKI and the Ways and Means ranking member, the gentleman from Texas [Mr. ARCHER], for their courtesy in allowing my resolution to come to the floor this afternoon in tandem with the Pease-Pelosi bill.

In the 3 years since the Chinese Communist dictatorship used tanks and machine guns against peaceful pro-democracy demonstrators in Tiananmen Square, the United States' trade deficit with China has tripled. Let me repeat that. It has tripled. In the 3 years since the Berlin Wall was opened and Communist dictatorships throughout the Soviet bloc fell from power, the Chinese Communist dictatorship has reinforced its claim on absolute power. And the United States trade deficit with China has tripled. Let me repeat that again. It has tripled.

Mr. Speaker, at a time when this Congress is being asked to provide economic and humanitarian assistance to the countries of Europe that have thrown off the shackles of Communism, Congress is also being asked to underwrite once again Communist dictatorship in China. And still the United States' trade deficit with China continues to go up and up and up. While governments in the rest of the world move toward giving their people freedom and representation, the Chinese Communist dictatorship digs in its heels and resists even the slightest suggestion of political democratization and the slightest recognition at all of human rights.

And what does the Chinese Government get from the United States? A slap on the wrist one moment, with a few minor sanctions that were aimed mostly at placating China's critics here in the Congress. And then the next moment the Chinese Government is given an export license to increase our trade deficit more and more and more.

In 1989, the year of the Tiananmen Square massacre, trade between the United States and China had become so unbalanced in China's favor that we posted a $6 billion deficit. That was back in 1989, 3 years ago. In 1991, 2 years later, we had a $12.7 billion trade deficit with China, a deficit that was exceeded only by the one we have with Japan. This year our trade deficit with China is approaching an astronomical $20 billion.

I say to my colleagues that it is China's most-favored-nation status that makes all of this possible.

This resolution which is now before us would disapprove the President's recommendation that China's MFN status be renewed for another year, and the MFN status would be terminated the day this resolution is enacted.

I do not offer this resolution lightly, and I certainly do not offer it as a way of irritating a President from my own party, a President for whom I have the greatest admiration and respect. But I do offer it as a way of making one essential point. Our country does not owe most-favored-nation trade status to any country that has a nonmarket economy and which is not a member of GATT, and we certainly do not owe MFN to a dictatorship that is working to increase its capacity to launch nuclear missiles from land and sea.

Mr. Speaker, the indictment against China's policies, both foreign and domestic, is well known to every single Member of this House. We will surely hear about it throughout the course of this debate and when the Pease-Pelosi bill is considered later on. Again I reiterate my strong support for the Pease-Pelosi bill, along with the Solomon resolution.

But at this point I would like to read from a column that appeared in the Washington Post just last Tuesday, July 14. This column describes a dramatic shift in China's military doctrine. These are chilling words, and I hope that every Member here on the floor and back in their offices will listen to them. These are not my words; they are the words of an editorial writer for the Washington Post:

"China's booming trade with the United States" has become "a triple dose of poison for the world community." I am still quoting from the editorial, Mr. Speaker:

China's $13 billion annual trade surplus with America provides Deng and company with visible proof to show their captive populace that the U.S. Government does not take human rights in China as seriously as it does in other countries that have been hit by American economic sanctions.

The column goes on as follows, and I am still quoting:

The trade surplus has two other pernicious effects only now coming into focus. It helps a dangerous arms race in Asia. And Chinese purchases of Russian arms, paid for in part with the foreign exchange earned from trade with America, provide the ex-Soviet military/industrial complex with a potential financial cushion against having to shut down or convert to manufacturing civilian goods.

Is anybody listening to this? This is awful.

Finally, the column notes that Japan has become so seriously concerned about the arms buildup in China that Prime Minister Miyazawa "during his Washington visit * * * for the first time insisted that 'economic reforms should pave the way for political reforms' in China."

That, Mr. Speaker, is precisely the point I want to make here today. Until the Chinese dictatorship draws the necessary connection between economic modernization and political democratization, a continuation of our present trade policy will lead eventually to tragedy, not just in that region of the world but perhaps in other parts of the world as well. This present policy lets the Chinese Government off the hook and condones a reliance by that regime on force of arms as a means of staying in power.

Is that what we want in a trade policy or in a foreign policy?

During the debate on China's MFN status last year, I made this point on the floor:

> An unconditional renewal of MFN, as the administration has requested, can only serve to reinforce the illusions under which the Chinese leadership operates. It can only serve to reinforce their attitude that they can write their own rules and do whatever they want.

That statement certainly is true one year later, and it is true because nothing has really changed in China. For that reason, I ask the Members to support this resolution. Take away China's MFN status. Let the regime there know and let the people there know that America will not compromise its commitment to that word "freedom."

Mr. Speaker, if the benefits of economic development in China were actually reaching the Chinese people, there would be reason to hope that the political system there could move in a more positive direction. But so long as a central planning ministry is allocating the Nation's resources according to the whims of the regime, there is no hope for those people and we will be right back one year from now making these same statements.

China is a police state, and it is a police state that shows evidence of having regional ambitions that are directly contrary to the interests of the United States and all of our friends and allies in East Asia.

If China's MFN status is revoked, there is nothing to stop—and this is important for us to understand—there is nothing to stop the President from coming back to this Congress, if and when conditions warrant, and asking us to restore it. If the government in China shapes up, MFN can be given back. And do you know what? China will respect us for it. They surely do not respect us now, and that is exactly why the angry old men who hide in the so-called Great Hall of the People continue to deny freedom to their own people. What a shame that is.

□ 1420

Mr. Speaker, I strongly urge Members to support my resolution which would immediately terminate MFN for China, but would in no way prevent the President from asking the Congress to reinstate it if conditions change.

What more can we do for one billion people? For the strongest possible message that these angry old men, these violators of human rights, will understand, I ask Members to pass the Solomon resolution and the Pease-Pelosi bill to follow. Human decency demands it.

Mr. Speaker, I ask Members to come over to this floor and vote yes on this resolution and the Pease-Pelosi bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that at the conclusion of my comments I be permitted to yield the balance of my time to the gentleman from Illinois [Mr. CRANE], and that he be allowed to yield time as he chooses.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 502, a resolution disapproving the President's decision to extend normal tariff treatment, MFN, to the People's Republic of China for an additional year. I do not do so because I disagree with the criticisms of the Communist government in China that have been articulated by many Members on the floor today, but rather because I believe this legislation would be counterproductive to the very goals of its proponents.

Mr. Speaker, this is a drastic measure that would seriously undermine United States economic and foreign policy interests in the region, as well as be an attack on United States businesses that have worked hard to establish themselves in China's vast potential market.

The administration strongly opposes House Joint Resolution 502 and the President will veto it if it reaches his desk.

MFN status was first granted to China on February 1, 1980. Each year since then, the President has reviewed that country's immigration performance as required under the Jackson-Vanik statute. This year, as he has every year since 1980, the President determined that Chinese officials substantially follow the practice of allowing persons who want to immigrate to do so.

Rather than focusing on immigration problems, and, I repeat, the one and only condition of MFN specified by Jackson-Vanik, the proponents of removing MFN are wandering far afield into seductive, extraneous issues.

Yes, we all share their goals. I too am gravely concerned about human rights in China. But we differ on the best way to reach that goal.

The President has made progress with the Chinese on those issues, as well as in negotiations on many other subjects, including nuclear nonproliferation issues and intellectual property rights protection. I see no alternative but to remain engaged with the Chinese as the way to pursue an improved human rights picture.

There is a positive movement in China. House Joint Resolution 502 would close the door to our influence of that movement.

In contrast, House Joint Resolution 502 would hurt United States interests far more that it would hurt the Chinese Government. It would be particularly damaging to those individuals and businesses, who, by their presence in China, are doing the most to promote democracy and human rights.

Mr. Speaker, this resolution is a severe and ineffective response to reprehensible actions by the Chinese officials.

The leverage of trade must be employed in a wise and informed manner if we are to be successful in promoting democracy. In my view, Americans must remain active and visible in China. This resolution would make this impossible.

I urge my colleagues to vote "no" on House Joint Resolution 502.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, we face a dilemma in dealing with China. The first vote this afternoon is on the Solomon resolution. The Solomon resolution says we have had enough, we cannot stand it any more. Let's get out. Let's not have any more influence on China.

That is not a sound position to take. The Solomon resolution should be defeated.

After that the Pelosi-Pease resolution will come up, which places conditions upon dealing with China. That is a sound approach. It tells the Chinese exactly what we expect. It gives them a reasonable length of time in order to get it accomplished, and that is what we should vote for.

Mr. Speaker, I have listened to all of the sides in this argument for hours on end at the hearings and in my office. No one comes forth who knows much about China and advocates the approach of the Solomon resolution. Yes, we need to do something about China. But cutting off all contact with China is not the way to treat one-fifth of all the people on Earth.

If you go to all the other major countries on Earth, you will not find this

debate raging, because all of them have decided that they are going to continue working with China, trying to straighten it out as best they can. We are really the only people who really preach and push human rights in China.

Mr. Speaker, if we cut off our contact with China, we are condemning 1 billion people to a very bleak future. We must remain in contact with them. The Solomon resolution is illogical and is not well thought out. The Pease-Pelosi approach is much more desirable and should be voted for.

Mr. Speaker, I urge a vote against the Solomon amendment.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support for both the resolution of the gentleman from New York [Mr. SOLOMON] and the resolution of the gentlewoman from California [Ms. PELOSI].

I had the opportunity a year ago Easter to visit China. Not only did I visit China, there have been a lot of Members that have visited China, I visited Beijing Prison No. 1.

It was a very cold day. It was snowing. As we walked through the prison we then saw a sign that said "Hosiery Factory." Then we asked could we go into that hosiery factory.

What we found in Beijing Prison No. 1, where 40 Tiananmen Square demonstrators were imprisoned, was a factory making clothing, making socks and shoes, plastic jelly shoes, for export to the United States.

Thankfully, due to the good work of Carol Hallett, we were able to shut that down.

Those Members who are undecided as to how to vote, think in terms of the number of people who have been arrested in China for religious freedom. There are now bishops, priests, and ministers, some up to 86 years old, that have been in prison for better than 30 years.

I hear people talk about improvements. If you are a Catholic bishop and you are 82 years old and have been in prison for 30 years, do not talk about improvements, because there have been no improvements.

Mr. Speaker, I want to read from the Los Angeles Times dated Monday, July 13. Congress happened to be away during that time and many Members did not see it. "Thirty dissidents reported arrested since May in crackdown by Beijing."

Give me a break. This place has not improved. These are the same arguments used when we brought up the amendment, which I think Congress did the right thing, when we suspended MFN for Romania. The first time we brought it up everyone said no, do not do it. You take it away, Ceausescu will get angry and it will hurt the people.

Yet all the people in Romania, as they were bulldozing churches, bulldozing synagogues, putting people in prison, all the people in Romania when I went there said privately, "Take MFN away, because it is the only thing that will send a message to Ceausescu."

We took MFN away and Ceausescu is no more.

Mr. Speaker, I am going to at least support the amendment of the gentleman from New York [Mr. SOLOMON], and I urge Members to support the Solomon amendment. But if one cannot support the amendment of the gentleman from New York [Mr. SOLOMON], at least support the Pelosi amendment.

Mr. Speaker, I would hope and almost pray on behalf of the prisoners that we have met and their families, if we could pass the Pelosi amendment with a 100-percent vote, 435 men and women down here, everyone voting for it, the gates in Beijing and throughout China would open up and it would be a message. Those that listen on shortwave radios in China, Tibet, and places like that, would know that the people's body, the United States Congress, the people's House, has sent a message.

□ 1430

I strongly urge support for the Solomon amendment and, after the Solomon amendment, I would urge that every Member, although some may have doubts and be concerned about this, if we want to help freedom, if we want to do something to help freedom and to stop slave labor and to help those Catholic bishops and the priests and the ministers that have been in jail for so many years, let every man and woman in this body vote for the Pelosi amendment so we have 435 to 0. And then the Chinese Government will get a message that will make a great difference.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge defeat of House Joint Resolution 502 which disapproves the President's decision to extend MFN trade status to China for another year.

Considered annually by the House, this resolution was reported by the Committee on Ways and Means without recommendation in order fulfill the committee's responsibility under the Jackson-Vanik statute.

Today the House will also debate H.R. 5318 which would explicitly link continuation of MFN to improvement in many areas of Chinese policy including nuclear nonproliferation and human rights. I strongly oppose both of these bills.

House Joint Resolution 502 would turn out the lights on our relationship with 1.2 billion Chinese people who need our support.

This would be a crippling blow to the cause of political reform in China. I favor keeping the channels of trade open at this time because it is the best way to communicate free market ideals and democratic values.

The leverage of revoking MFN can be used only one time; if business relationships are severed, they will not be repaired easily. Current negotiations with the Chinese on a wide range of issues would be broken off.

Americans would no longer have a significant impact on political dialog within China. Our friends in Hong Kong would face an uncertain future at a time when they most need to expand their relationship with the United States.

Mr. Speaker, the political leadership in China confronts us with tough choices. Engagement brings us into an uncomfortable and difficult association with a regime which behaves in ways we despise.

Yet it also allows us the opportunity to exert influence for positive change in the lives of innocent Chinese citizens.

I urge my colleagues to vote "no" on House Joint Resolution 502 and to continue MFN for China for another year.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will advise that the gentleman from Illinois [Mr. ROSTENKOWSKI] has 8 minutes remaining, the gentleman from New York [Mr. SOLOMON] has 16½ minutes remaining, and the gentleman from Illinois [Mr. CRANE] has 9 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in support of the Solomon amendment. As has been indicated in the debate, there will be a debate and a vote on another piece of legislation later this afternoon, the Pease-Pelosi bill, which would condition renewal of most-favored-nation status on improvement of human rights in China and also conditions relating to nuclear proliferation and, very importantly, to trade matters and barriers to our products going into China.

I rise in support of the Solomon legislation strategically. I think it is a good tactic for us.

This House of Representatives, which has stood as the bastion of freedom in our country and in our history, to go on record that we want what is going on in China to stop, if China is to enjoy the benefits of our relationship.

I rise with special urgency on this issue today, Mr. Speaker, because earlier today, after a secret trial, the Chinese Government sentenced one of China's foremost reformers to 7 years in prison. Imagine, on the very day when this body is taking up most-favored-nation status for China and the concern that has repeatedly been expressed in this body about human rights and reform, both economic and political reform in China, that the government has sentenced Bao Tong, an aide to the ousted reformer Zhao Ziyang. He re-

ceived this sentence from the regime for being too soft on the pro-democratic student demonstraters in Tiananmen Square. He was charged with leaking state secrets and counterrevolutionary incitement.

What did he do? He was accused specifically of telling the 1989 student protest leaders about Communist Party plans to impose martial law and other internal discussions about how to handle the pro-democracy movement. Bao's family was allowed to attend the 10-minute sentencing, but not the trial, which was closed and highly policed. Bao's mother noted after the sentencing, "It's not a question of whether we consider the sentence heavy or light, he was innocent."

A Western diplomat stated, "It is hard to consider that sentence lenient under any circumstances."

While reformer Bao Tong is imprisoned, Deng Xiao Peng, Chinese's paramount leader, makes public appearances designed to reassure the West that he supports reform. Deng talks reform and arrests the reformers. Many of the economic reforms China is embracing now were promoted by Zhao Ziyang and his aide Bao, who was sentenced today, before 1989. How can a regime claim to promote entrepreneurship when it punishes individual thinking?

In the beginning of debate on this legislation the chairman of the Committee on Ways and Means indicated that there had been some signs of progress and made some other statements about what was considered to be progress in some circles, as far as China is concerned. If there indeed was progress, I believe this body, this House of Representatives can take full credit for it.

When the intellectual property agreement was being negotiated, the word, directly from the copyright office in Beijing, was: "Compromise, compromise. We must have an agreement or else we will lose most-favored-nation status."

So I commend the gentleman from New York [Mr. SOLOMON] for his courage, frankly, in bringing this resolution to the floor. This is a very important piece of legislation which I think serves as a good tactic for us to ultimately end up with conditional renewal, ultimately end up with a freer political climate in China, fair trade with our country and a safer world in terms of nuclear proliferation.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in very strong opposition to the attempt to block President Bush's executive authority to grant most-favored-nation status to China. It seems to me that as we look at this issue, there are a wide range of concerns that need to be addressed.

When we look at the challenge that this Congress faced, as we began in January 1991, it was whether or not we were going to grant support on the use of force for the President to deal with the horrendous expansion by Saddam Hussein into Kuwait, imposing horrible human rights violations on those helpless people. Well, it was very important that we had the support of China in moving ahead with dealing with Saddam Hussein.

As well, look at other activities in the United Nations, China's support has been very beneficial to us. One of the most troubled regions of the world today is Yugoslavia, and as we observe the breakup of these seven Republics within Yugoslavia, we have had strong support for our position in the United Nations by China.

As we look at the challenges of the region, Cambodia, which we all know very well has been responsible for horrendous human rights violations, has struggled through what is called the SNC [the Supreme National Council] to try and resolve the battle that has existed among the four factions in Cambodia.

□ 1440

We have been trying to do that. The Chinese have supported us there.

Mr. Speaker, this in no way excuses the horrendous human rights violations that the Chinese Government has been responsible for over the past several years, but it seems to me that only the President of the United States can take a broad look at the region. I challenge any of our colleagues to stand here and defend the human rights policies of Singapore, Thailand, the Philippines, Malaysia, or other countries in the region. It seems to me we must recognize that we have a human rights problem not just in China but in the entire region.

I have enough confidence in our President that we can allow him to make the determination as to whether or not exposure to the West is going to provide us with the greatest opportunity to improve the horrendous human rights violations that exist in China today.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from New York [Mr. SOLOMON] has 16½ minutes. The other gentlemen have only 5 and 6 minutes, respectively.

Mr. SOLOMON. Mr. Speaker, I am prepared to close debate if the other two gentlemen want to yield back their time. I think I have the right to close on my resolution, and we will close out this debate.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has the right to close. The gentleman from Illinois [Mr. CRANE] may wish to sum up.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. SOLOMON] to close debate.

Mr. SOLOMON. Mr. Speaker, I will be brief. Previously the gentleman from California [Mr. DREIER], my colleague from the Committee on Rules, challenged his colleagues to compare China with the countries of Singapore, and Thailand, and others. Let me just read to the Members a headline here, because I think it is terribly important.

The headline in this newspaper says: "China To Hike Military Spending 13.8 Percent." What is happening in America with our Armed Forces? We are cutting back 25 percent over the next 3 years. What is happening with NATO, with the NATO countries? They are all cutting back.

All of the rest of the world is cutting back on military spending except China. The People's Republic of China is increasing its military budget by 13.8 percent, not just to prop up these old angry men in the Great Hall of the People, but because they intend to pursue regional ambitions. We all know that. With goods produced by slave labor that are coming into this country, China is getting the money to increase its spending on the military by 13.8 percent.

Let me just read some other headlines: "Many Chinese Dissidents Thought To Be Still Jailed"; "China Urged To Stop Tibet Torture"; "Ex-Chinese Official Decries Crackdown"; "China Sets Off Its Biggest Nuclear Test"; "FBI Warns About Spying By China"; "Top Aide To Former Party Chief Faces Political Trial In China," and it goes on and on and on. These are just a sampling of headlines from recent weeks.

An article in the New York Times notes:

> While all nations cheat on free trade to some degree, China is a socialist country that has put up barriers to imports so brazenly that it hardly makes a pretense at advocating free trade.

The article continues:

> American businessmen are much less sympathetic. To many, China's economy is a giant maze with dead ends at every corner and booby traps that lead to dense tangles of bureaucracy and high costs. For instance, beyond extensive tariffs, quotas and other restrictions, China has a set of secret regulations that foreigners cannot even see.

That is why we have a $20 billion trade deficit building with China. What is wrong with this country? Three years ago these same arguments were made: "Let us condition MFN to China and maybe they will improve next year." Next year came and nothing happened. The same thing happened the year after that, and we stood there on this floor and had a very fine debate, one of the finest debates I have seen since I have been here, and we all

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agreed that if things did not change we would have to crack down this year.

Remember one thing. We can pass this Solomon resolution; it will suspend MFN status for China, which can also be reinstated. All the President has to do is request this Congress to reinstate it. Certainly if the kinds of conditions as called for in the Pease-Pelosi bill are met, or if there is any kind of movement toward them, then let us reinstate MFN. But the Chinese Government has proven that nothing will work unless we suspend their MFN status.

I just asked the Members to vote for the Solomon amendment. After that passes, and I feel confident it will, I think we should then overwhelmingly pass the Pease-Pelosi bill. That will send the message that this Congress is not going to put up with the kinds of human violations against 1 billion people that are being meted out daily by the Communist dictatorship in China.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 502, legislation to disapprove the President's recommendation to extend MFN treatment to products of the People's Republic of China. I commend my colleague the gentleman from New York [Mr. SOLOMON] for once again taking the lead and introducing this important initiative. For many years, while he served on the Foreign Affairs Committee and way before the massacre in Tiananmen Square, Mr. SOLOMON spoke out against coddling the Communist government in Beijing. He has remained firm in his belief and time has proven him right.

China's conduct, both domestically and internationally, has done little to justify the view that pursuing a course of economic business as usual is a successful strategy for improving its human rights record, obtaining its cooperation in curbing the global weapons trade, or lessening its trade deficit with the United States. The events of the last few months emulate those of the previous 3 years during which we have debated the MFN issue. Improvements in China's conduct has been limited to symbolic gestures and are completely offset by its continuing malfeasance.

Mr. Speaker, almost every day we receive reports which attest to persistent hardline political policies within the People's Republic and its refusal to become a responsible member of the world community.

China's expansionist tendencies as evidenced by its recent move in the Spratly Islands, its drug involvement with the Burmese, its weapon sales to Iran and Syria, its projected $19.2 billion trade deficit with the United States, its exports of products made by slave labor, its continued repression in occupied Tibet, the executions, torture and detention of peaceful prodemocracy protestors go on and on.

On June 1, the French press agency reported that China has banned unauthorized memorials, wreath laying and even laughing on Tiananmen Square 3 days before the third anniversary of the June 4 massacre.

On May 25, an Asian Wall Street Journal article points out that China has become a major transit point for heroin shipments from Southeast Asia.

On May 30, China abstained in a U.N. Security Council vote to impose tough economic sanctions against the government of the Serbian controlled Yugoslav state.

The Los Angeles riots in the United States sparked a paroxysm of America-bashing in official Chinese media for domestic and Third World consumption. On June 4, several Chinese were arrested, as they tried to mark the third anniversary of the Tiananmen Square uprising. Several foreign journalists covering the incident were punched, kicked, and roughed up by the police.

On June 10, the South China Morning Post reported that the state has stepped up a crackdown against religion.

On that same day one of China's senior house church leaders, Xie Moshan, was arrested by authorities in Shanghai for illegal itinerant preaching.

On June 19, a New York Times story reported that China is a vast, organized slave camp, where daily 16 to 20 million men toil. Prisoners failing to meet quotas are beaten, tortured, fed starvation diets, and can have their sentences lengthened.

A Washington Post article the next day reports that a Chinese prison official reveals that foreign exports of his prison's goods yielded the highest profit.

Mr. Speaker, it makes no sense for us to continue to treat the People's Republic of China in manner that damages our economy, destabilizes international security, supports drug usage and goes completely against the ideals of human rights that we hold so dear. Accordingly, I urge my colleagues to support House Joint Resolution 502.

Mrs. LOWEY of New York. Mr. Speaker, 4 months ago I rose in this Chamber to speak out against the President's veto of legislation placing conditions on the granting of most-favored-nation trading status to the People's Republic of China. Today, I rise once more to say enough is enough, let us stop appeasing the butchers of Beijing.

Four months ago, we came very close to placing conditions on granting MFN to China. Many of us had hoped that that vote would send a strong message to Beijing: that the United States takes human rights seriously. That we will not give our support to an antidemocratic regime that enslaves its population and thumbs its nose at freedom and internationally recognized rights.

That message was clearly not understood. Today, Chinese authorities tried, convicted, sentenced, and imprisoned, Bao Tong, the highest ranking Chinese official to be convicted in connection with the prodemocracy movement. I, for one, do not believe that the timing of the trial and today's vote are a mere coincidence. Once again, the Chinese dictators are thumbing their noses at us, challenging us to defy their regime of terror. And who is aiding and abetting their cruel regime? The Bush administration, which has decided to turn its back on all of this inhumanity.

I urge my colleagues to vote to revoke MFN for China and to do so by a veto-proof margin. That is the only way that we can be sure our message is heard.

Mrs. COLLINS of Illinois. Mr. Speaker, today we will have the opportunity to once again place individual liberties and human rights at the forefront of American foreign policy, rather than corporate profiteering and the all-powerful bottom line.

Despite the massacre at Tiananmen Square, the Bush administration is still the best friend the Communists in China ever had. While China continues to stonewall on United States requests that it provide information on all of the political prisoners taken during the 1989 student demonstration, American factories are closing due to unfair Chinese trading practices. Furthermore, numerous foreign journalists, and even Members of this body, have been harassed and detained by Chinese officials.

Access to America's consumer markets and most-favored-nation trading status is a privilege, not a right, and I believe it is high time the United States to stop kowtowing to Beijing, and use our trading relationship as a catalyst for reform. I simply cannot justify allowing China to take full advantage of our open markets, while it ravages its own people, and disrupts the lives of so many of ours.

President Bush's inaction on this critical issue is a national embarrassment and I urge my colleagues, as we have done in the past, to reject MFN status for China, and as Governor Clinton says, "put people first." Vote no on House Joint Resolution 502 and support conditions for Chinese MFN.

Mr. VENTO. Mr. Speaker, I rise in support of House Joint Resolution 502, which disapproves President Bush's waiver that permits China to receive most-favored-nation [MFN] trade status through July 3, 1993. I also rise in support of H.R. 5318, which provides for the conditional extension of MFN trade status for China in 1993 if China meets certain requirements in the areas of human rights, trade, and weapons nonproliferation.

Once again, Mr. Speaker, it appears that President Bush just doesn't get it. After 3 years of stubbornly clinging to a failed foreign policy toward China, the Chinese Government remains as repressive as ever with one of the most deplorable records on human rights of any country in the world. Major international human rights groups, such as Asia Watch and Amnesty International, have documented literally hundreds of cases of gross violations of human rights by the Chinese Government. Thousands of pro-democracy demonstrators have been shot, forced into slave labor camps, or have simply disappeared with no further trace. Even our own State Department has documented the use of cattle prods, electrodes, and beatings against Chinese and Tibetan prisoners. China's policy of coerced abortions and forced sterilizations is contrary to any minimal standards of decency and respect for human rights.

Even today as the House of Representatives considers the question of extending MFN status, the Chinese Government is beginning the trial of Bao Tong, an aide to former General Secretary and democratic reformer Zhao Ziyang. Bao is one of the highest ranking former government officials to be tried since the Tiananmen Square massacre of June 1989. Bao's trial follows reports last week that more than 30 dissidents were arrested in Beijing in late May this year.

There is no free emigration in China today. Emigration is strictly controlled and those most

desperate to leave have no realistic opportunity of doing so. Despite Chinese assurances to Secretary of State Baker in 1991 to allow anyone not under criminal indictment to leave the country, many pro-democracy demonstrators who have applied for exit permits have not received them.

On the issue of weapons nonproliferation, again, the result of the Bush administration's policy is one of disappointment and failure. Last year's MFN bill included strong provisions conditioning MFN status on Chinese adherence to the missile technology control regime [MTCR] and the Nuclear Non-Proliferation Treaty. While the Chinese Government has expressed rhetorical support for these agreements in order to gain and retain its MFN trade status, the facts portray a different reality. China is purchasing military hardware from the former Soviet republics at an alarming rate; a matter of increasing concern among China's neighbors in Asia.

In May of this year, China detonated a 70-kiloton nuclear bomb while simultaneously expressing support for nuclear nonproliferation at a time when the United States and Russia were negotiating drastic reductions in their nuclear arsenals. China has sold missiles to Iraq and has attempted to sell medium range missiles to Syria and Iran thus introducing further instability into one of the most unstable regions of the world. Furthermore, China has also cooperated with Pakistan in developing nuclear weapons.

Finally, Mr. Speaker, on trade matters, the United States trade deficit with China has increased 50 percent since the first quarter of 1991. Chinese exports to the United States have increased a total of 700 percent since 1980, while their exports to the rest of the world have only increased 56 percent over that same period. While China has amassed huge United States currency reserves from its exports to this country, thousands of United States jobs in clothing, textiles, manufacturing, and other industries have disappeared. Barriers—both tariff and nontariff—to United States exports to China have become so serious as to prompt warnings that retaliatory tariffs could be imposed by this fall. Clearly, the Bush administration's policy of appeasement toward China has given China a trade windfall at the expense of American workers and American jobs.

American workers support fair trade, but American workers should not be forced to compete with forced labor, child labor, and prison labor. Extensive research by Asia Watch and CBS program "60 Minutes" has shown Chinese Government involvement in export companies that use prison labor, despite assurances that the Chinese Government does not condone this practice. China has frequently avoided United States textile quotas by transshipping through third countries, a practice which the administration acknowledges.

Mr. Speaker, H.R. 5318 would condition the renewal of MFN status for China on Chinese compliance with stringent conditions on trade, human rights, political rights, and nonproliferation. The bill targets State-owned enterprises and thereby applies political pressure most directly where it is needed; on the Chinese Government. The Bush administration's policy of unconditional extension of MFN status has precluded any possible leverage in improving China's domestic and foreign policies and protecting the jobs of American workers. It's time for a change. I hope my colleagues will join me in voting for both of the measures before us today.

Mr. SCHULZE. Mr. Speaker, as most of us know, whether or not a nation receives most-favored-nation trading status is supposed to depend on the degree of openness of such nation's emigration policy.

During the last three debates over the China MFN issue, I have cited several reports stating how restrictions on those seeking to leave China have worsened since the 1989 Tiananmen Square massacre. On this basis alone, I've said, China's MFN status should be revoked.

Regrettably, however, despite one of these reports being prepared by our own State Department, that agency still maintains China's emigration policy is basically free and open.

As Deputy Secretary Eagleburger said to me last year, the State Department and I just have a difference of opinion as to what constitutes a free and open emigration policy.

The State Department's intransigence on the emigration issue—and the fact that many of our colleagues have focused on other China-related problems—the emigration issue which should be the true focus of the MFN debate has been left in the dust.

This I find deeply saddening—especially when I think of those people physically precluded from leaving China in search of the liberty and freedom that you and I take for granted.

I am further disheartened that the Congress as a whole lacks the guts to pass a motion of disapproval resolution and send it to the President. Rest assured—our lack of resolve only encourages Chinese leaders to continue shunning free emigration and basic human rights.

Moreover, while I will likely support H.R. 5318, Congress' collective obsession with the conditionality approach also gives me pause for concern.

The reason H.R. 5318's main supporters give as to why the President should sign this measure is that it gives him all the—quote—"wiggle room" and "room to maneuver" he needs so as not to be backed into a corner on the extension of MFN for China.

I do not mean to slight Mr. PEASE'S sincere devotion to this issue. But can his bill really bring pressure to bear on the Chinese Government if its stated intent is to give the President all the "wiggle room" he needs to be able to keep extending MFN to China? If you're one of the "Butchers of Beijing" government leaders, why take this seriously? The only thing the Chinese leaders will take seriously is the uncertainty fostered by overwhelming passage of the resolution before us.

Such overwhelming support must begin today in this Chamber. With a resounding House vote of confidence for the Solomon resolution, the other body will have little choice but to follow suit.

I urge Members to vote "aye" on House Joint Resolution 502.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 258, nays 135, not voting 41, as follows:

[Roll No. 285]

YEAS—258

Abercrombie	Dixon	Kaptur
Ackerman	Donnelly	Kasich
Alexander	Dooley	Kennedy
Allen	Doolittle	Kildee
Andrews (ME)	Downey	Kleczka
Andrews (NJ)	Duncan	Kostmayer
Annunzio	Dwyer	Kyl
Anthony	Dymally	LaFalce
Applegate	Early	Lantos
Aspin	Eckart	Laughlin
Bacchus	Edwards (CA)	Lehman (FL)
Ballenger	Edwards (OK)	Levin (MI)
Barnard	Edwards (TX)	Levine (CA)
Barton	Engel	Lewis (FL)
Beilenson	Erdreich	Lloyd
Bennett	Espy	Long
Bentley	Evans	Lowey (NY)
Berman	Fascell	Manton
Bevill	Fish	Markey
Bilbray	Flake	Martinez
Blackwell	Foglietta	Mavroules
Bliley	Ford (MI)	Mazzoli
Boehlert	Frank (MA)	McCandless
Bonior	Franks (CT)	McCollum
Borski	Frost	McCurdy
Boucher	Gallegly	McHugh
Browder	Gaydos	McMillan (NC)
Bruce	Gejdenson	McMillen (MD)
Bryant	Gekas	McNulty
Bunning	Gephardt	Mfume
Burton	Gilchrest	Mineta
Bustamante	Gilman	Mink
Byron	Gonzalez	Moakley
Cardin	Gordon	Molinari
Carper	Gunderson	Moody
Chapman	Hall (OH)	Moran
Clay	Harris	Morella
Clement	Hayes (IL)	Murtha
Coble	Hayes (LA)	Myers
Coleman (MO)	Hefley	Neal (MA)
Coleman (TX)	Hefner	Neal (NC)
Collins (IL)	Henry	Oakar
Collins (MI)	Herger	Oberstar
Combest	Hertel	Obey
Condit	Hochbrueckner	Olin
Cooper	Holloway	Olver
Costello	Hopkins	Ortiz
Cox (CA)	Horn	Owens (NY)
Cox (IL)	Horton	Owens (UT)
Coyne	Hoyer	Pallone
Cramer	Hubbard	Panetta
Cunningham	Hunter	Parker
Darden	Hutto	Pastor
Davis	James	Patterson
de la Garza	Jefferson	Paxon
DeFazio	Jenkins	Payne (NJ)
DeLauro	Jones (NC)	Pelosi
Dellums	Jontz	Porter
Derrick	Kanjorski	Poshard

Price	Schulze	Thomas (GA)
Pursell	Schumer	Thornton
Quillen	Sensenbrenner	Torres
Rahall	Serrano	Traficant
Ramstad	Sikorski	Traxler
Rangel	Sisisky	Unsoeld
Ravenel	Skeen	Upton
Rhodes	Skelton	Valentine
Richardson	Slaughter	Vento
Ridge	Smith (FL)	Visclosky
Riggs	Smith (NJ)	Walker
Ritter	Smith (TX)	Walsh
Rogers	Snowe	Washington
Rohrabacher	Solomon	Waters
Ros-Lehtinen	Spence	Waxman
Rose	Spratt	Weiss
Roth	Staggers	Weldon
Rowland	Stark	Wheat
Roybal	Stearns	Wilson
Russo	Stokes	Wolf
Sabo	Swett	Wolpe
Sanders	Synar	Yates
Sangmeister	Tallon	Yatron
Sawyer	Tanner	Young (AK)
Schaefer	Tauzin	Young (FL)
Schiff	Taylor (MS)	Zeliff
Schroeder	Taylor (NC)	Zimmer

NAYS—135

Allard	Hammerschmidt	Nussle
Anderson	Hancock	Orton
Andrews (TX)	Hansen	Oxley
Archer	Hastert	Packard
Armey	Hoagland	Payne (VA)
AuCoin	Hobson	Pease
Baker	Houghton	Penny
Barrett	Huckaby	Peterson (MN)
Bateman	Hughes	Petri
Bereuter	Inhofe	Pickett
Bilirakis	Jacobs	Pickle
Boehner	Johnson (CT)	Reed
Brewster	Johnson (SD)	Regula
Brooks	Johnson (TX)	Rinaldo
Broomfield	Kennelly	Roberts
Callahan	Klug	Roe
Camp	Kolbe	Roemer
Campbell (CA)	Kopetski	Rostenkowski
Chandler	Lagomarsino	Santorum
Clinger	LaRocco	Sarpalius
Crane	Leach	Saxton
DeLay	Lent	Scheuer
Dickinson	Lewis (CA)	Sharp
Dicks	Lightfoot	Shaw
Dingell	Livingston	Shays
Dorgan (ND)	Lowery (CA)	Shuster
Dreier	Luken	Skaggs
Emerson	Marlenee	Slattery
English	Martin	Smith (IA)
Ewing	Matsui	Smith (OR)
Fawell	McCrery	Solarz
Fazio	McDade	Stallings
Gallo	McDermott	Stenholm
Geren	McGrath	Stump
Gibbons	Meyers	Sundquist
Gillmor	Michel	Swift
Glickman	Miller (OH)	Thomas (CA)
Goodling	Miller (WA)	Thomas (WY)
Goss	Montgomery	Vander Jagt
Gradison	Moorhead	Volkmer
Grandy	Murphy	Vucanovich
Green	Nagle	Weber
Guarini	Natcher	Williams
Hall (TX)	Nichols	Wyden
Hamilton	Nowak	Wylie

NOT VOTING—41

Atkins	Hatcher	Mollohan
Boxer	Hyde	Morrison
Brown	Ireland	Mrazek
Campbell (CO)	Johnston	Perkins
Carr	Jones (GA)	Peterson (FL)
Conyers	Kolter	Ray
Coughlin	Lancaster	Roukema
Dannemeyer	Lehman (CA)	Savage
Dornan (CA)	Lewis (GA)	Studds
Durbin	Lipinski	Torricelli
Feighan	Machtley	Towns
Fields	McCloskey	Whitten
Ford (TN)	McEwen	Wise
Gingrich	Miller (CA)	

□ 1512

The Clerk announced the following pairs:

On this vote:

Mrs. Roukema for, with Mr. Ireland against.

Messrs. KLUG, JOHNSON of Texas, ENGLISH, NAGLE, HALL of Texas, HUGHES, and EMERSON changed their vote from "yea" to "nay."

Messrs. MCMILLEN of Maryland, SPENCE, DARDEN, BEVILL, ROWLAND of Georgia, and CRAMER changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

UNITED STATES-CHINA ACT OF 1992

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the provisions of House Resolution 514, I call up the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 514, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5318, as amended, the Pease-Pelosi bill. This bill establishes a number of new conditions—in addition to those contained in current law—which China must meet in order for the President to recommend a continuation of China's most-favored-nation [MFN] status in 1993.

I want to commend our colleagues, Mr. PEASE, Ms. PELOSI, and others, for their efforts in keeping the issue of China's human rights behavior so squarely before the eyes of Congress and the American people. China's recent willingness to begin to make some improvements in this area is due in part to their dedicated legislative efforts. But we need to continue to press China in a constructive way not only on human rights, but also on trade and weapons nonproliferation issues. That is why H.R. 5318, as amended, is an important bill worthy of the full support of this body.

The bill establishes additional objectives in the human rights, trade, and weapons nonproliferation areas that must be satisfied before the President may recommend renewal of MFN treatment for China's exports in 1993. These objectives include: Human rights objectives requiring release and accounting of citizens arrested after the Tiananmen Square incident and the cessation of religious persecution and other repressive practices; trade objectives related to market access and protection of intellectual property rights; and nonproliferation objectives related to missile technology and nuclear, chemical, and biological weapons.

If these objectives are not met, MFN treatment for products and exports of state-owned enterprises in China would be denied. Products of businesses, corporations, and joint ventures that are not State-owned enterprises would continue to receive MFN treatment. The sanctions provided for in the bill, therefore, would fall directly on the State, where they belong, and not on the private sector in China, whose continued development we want to encourage.

H.R. 5318, as amended, provides for less sweeping sanctions and greater Presidential flexibility than did a similar bill vetoed by the President earlier this year. It has been drafted in a way that constructively takes into account objections of the administration to past congressional initiatives in this area. The bill will provide additional negotiating leverage for the President in his future dealings with China and will contribute significantly to our common goal of meaningful change in Chinese policy and behavior. For these reasons, I believe that the President should sign this important bill.

I strongly urge my colleagues to vote for H.R. 5318, as amended.

□ 1520

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in relation to the size of our hopes and dreams for the Chinese people, the means we have available for advancing our objectives are limited. With this in mind, I urge a no vote on H.R. 5318 because it would extinguish our best method of achieving democratic reform in China. Although camouflaged by elaborate conditionality, this bill would have the same effect as previous proposals to revoke MFN completely.

The President's policy of vigorous bilateral negotiations with the Chinese, coupled with continued commercial relationship between the two countries, has proved successful. Substantial progress on a wide variety of issues has been achieved since MFN for China was renewed last year.

In January, after 7 months of steady pressure, Ambassador Hills concluded an agreement with the Chinese to establish a state-of-the-art regime to protect intellectual property rights.

This will include protection of U.S. patents, copyrights, and computer software. The agreement will guard against an estimated annual loss to United States industry of more than $400 million because of Chinese piracy.

China's support for global nonproliferation initiatives increased sig-

nificantly last year. China acceded to the Nuclear Nonproliferation Treaty and adhered to missile technology regime guidelines.

China is cooperating in international and bilateral efforts to fight drug trafficking and has been positively participating in the chemical weapons convention.

On the issue of market access, USTR has launched the largest section 301 case in its history to address broad trade problems, such as lack of transparency, import licensing requirements, import bans and quantitative restrictions and technical barriers to trade.

USTR has asked that China commit to systematic steps to eliminate these barriers. Just last week, in the ongoing section 301 negotiations on market access, the Chinese agreed to provide transparency in their regulatory and licensing process, a key United States objective in these talks.

With a statutory deadline of October 10 approaching, USTR is currently developing a precisely targeted retaliation list for use in the event the Chinese will not cooperate to rectify these problems.

If adequate progress is not achieved, USTR is completely prepared to retaliate—but in a controlled, surgical manner.

On the other hand, H.R. 5318 would set up a broad and unworkable process for denying MFN treatment for products coming from so-called state enterprises. This is a completely unenforceable distinction.

Given the millions of industrial and agricultural firms in China, identifying which are state-run enterprises would be complex and extremely expensive. Most products are sold through state agencies even though produced by so-called private joint ventures.

Also, almost 70 percent of China's exports go through Hong Kong, further complicating the task of identifying producers.

As a result, many of our best allies in the fight to reform China—those dynamic entrepreneurs who are embracing free market principles—will be sanctioned by this bill. The Chinese Government, in my view, may simply decide it cannot meet the conditions in H.R. 5318 and terminate all negotiation with the United States.

China can easily switch its purchases to other trading partners which do not have conditions associated with the granting of MFN.

United States business has $6.3 billion in exports to China in sectors such as aircraft, computers, industrial machinery, chemicals wheat, and corn. Our competitors in Europe and Japan would rush in to supply these products.

In short, I oppose H.R. 5318 because it will accomplish none of the objectives we all share, and will be unworkable in its implementation. A policy of engagement, as frustrating as it can be, is the only effective way to encourage political reform in China. I urge a no vote on H.R. 5318.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we are here today to vote on H.R. 5318, the United States-China Act of 1992. During the debate, you will no doubt hear a number of opposition arguments. There has already been quite a lot of disinformation spread on H.R. 5318. I would like to use my time this afternoon to dispel some of the myths that opponents of my bill have disseminated.

Myth No. 1: This bill is designed to cut off MFN for China.

The reality is that none of the architects of this bill has ever had any intention or desire to revoke MFN for goods coming from China. H.R. 5318 afford the President a great deal of discretion in determining whether the stated conditions have been met. Because this measure requires merely overall significant progress on the bulk of the conditions, the President is by no means backed into the corner of having to revoke MFN.

Myth No. 2: The effect of H.R. 5318 would be the same as the impact of past conditionality proposals.

The truth is that while conditionality measures of the past have focused on exports from China in general, H.R. 5318 would target only exports from state-owned enterprises in China.

Myth No. 3: This bill would hinder the entrepreneurial forces that are pushing Beijing in the direction of economic liberalization.

The real story is that by targeting only goods from State-owned enterprises in China, H.R. 5318 would inoculate all private enterprises in the PRC, including those in the south, as well as foreign joint ventures against the bill's conditionality scheme.

Myth No. 4: Conditioning extension of MFN to China will prove counterproductive by eliciting a backlash from Beijing.

In reality, China could hardly risk the billions of dollars in trade that it has at stake. In 1991, China's trade surplus with the United States was $12.7 billion, second only to Japan's. The projected 1992 surplus is $20 billion.

Myth No. 5: Mr. Bush's policy of unconditional extension of MFN has brought about significant improvements in China's human rights, trade, and weapons policies.

The record shows that in all of these areas China has displayed little to no improvement and in some cases backsliding.

On human rights, People's Republic of China police brutalized peaceful demonstrators and members of the press on the eve of the third anniversary of the Tiananmen Square massacre.

On trade, the figures I cited earlier on the mounting deficit tell the whole story.

On weapons, China recently conducted an underground nuclear test of 1,000 kilotons, far exceeding the generally accepted 150-kiloton limit.

Myth No. 6: Economic liberalization will automatically lead to political and social reform in China.

Deng Xiaoping provides us with the truth on this matter by recommending that Beijing quicken the pace of economic reform but use force to crush any democratic movement in China.

Myth No. 7: H.R. 5318 would inhibit administration negotiating efforts.

The fact is that the provisions of this legislation would dovetail nicely with administration negotiating efforts. On the United States-China market access talks, for example, H.R. 5318's trade conditions would provide the United States Trade Representative with much needed leverage in extracting concessions from the Chinese.

Just last week, Deputy United States Trade Representative Michael Moskow announced that the United States will start targeting Chinese products for retaliation if China does not move further on market access issues.

In conclusion, I urge my colleagues not to fall victim to the kind of disinformation I have sampled in my remarks. Join me in supporting H.R. 5318.

□ 1530

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, Ms. PELOSI's concerns are well-founded, but I rise to suggest that they are not well advanced by her legislative prescriptions.

Ironically, jeopardization of MFN would reverse America's historic open-door policy to China in favor of a counterproductive bolted door approach, unilaterally ceding our progressive influence to others.

Ironically, jeopardization of MFN would have the perverse effect of negatively impacting those elements in China we want most to advance—the free market entrepreneurs who are responsible for so much progressive economic change.

Ironically, jeopardization of MFN would provide a pretext for the Communist hard-liners to reverse recent Chinese openings to the West.

Ironically, jeopardization of MFN undercuts the Chinese stepchildren of Adam Smith and allows a tightening of the reins of economic as well as political power by the discredited disciples of Marx, Lenin, and Mao.

Ironically, jeopardization of MFN would, from an American agricultural

perspective, be the equivalent of a unilateral ban on soybean sales, hurting the American farmer and Chinese child, not Communist bureaucrats.

And, ironically, in foreign policy, jeopardization of MFN would undercut international peacekeeping efforts in Cambodia, Yugoslavia, and the Middle East.

Let there be no mistake. The Pelosi approach is less a progressive foreign policy initiative than a regressive return to the pre-1970's policy of American-led isolation of one-fifth of the world's people; the Pelosi approach is less a policy statement than thinly disguised protectionism.

Let's not play partisan roulette with our national security and recognize that while the human rights policy of the Chinese Government demands congressional criticism, the efforts to democratize the Chinese people demand American economic engagement. Defeat the Pelosi resolution and support the President's open-door policy.

Let's help precipitate a peaceful evolution to democracy, not a bloody return to a new era of cultural revolution and repression.

Mr. Speaker, as the premier democratic legislative body in the world, this Congress has an obligation to reflect American values to the world. In this regard, no one in this body disagrees that the sensibilities reflected in the Pelosi bill are expressive of consensus American politics and social philosophy.

On the other hand, the post-Tiananmen congressional debate over MFN does reflect a serious division of opinion about how the United States should best promote its important national interests in a democratizing, market-oriented China that plays a constructive role in regional and world affairs.

Here the question advocates of the Pelosi approach must examine is one of means, not ends, whether self-righteous congressional indignation advances or undercuts a just cause; whether progressive change in China is best advanced through the open door to Western philosophy and trade or the bolted-door implications of a unilateral approach dubiously premised on coercion alone.

What is at issue is less a question of indignation than judgment. If history is a guide, it would appear that almost every effort to influence China through coercion alone—whether military or economic—has not only failed to promote greater openness but accentuated unpredictable xenophobic nationalism. On the other hand, almost every U.S. step toward a constructive dialog has been met with a liberalized response.

Relations between states are always evolving. At issue in this legislation is Chinese foreign as well as domestic policy. Generally speaking, government-to-government relations have the least effect on how countries structure their internal affairs, but often have substantial effect on how they structure their foreign policy. Here, this Congress must understand that in terms of international politics, China has played a generally constructive role.

China is a permanent member of the U.N. Security Council, one of five countries with the right of veto. In the Persian Gulf crisis, China held a joker card and chose not to play it. Not only did China acquiesce in the U.N. authorization to use force against Iraq, but it has also observed international sanctions imposed against Baghdad and its pale imitator in Tripoli. In addition, China has evinced new interest in important translational issues like environmental protection, dealing with communicable diseases, and combating drug trafficking.

In Northeast Asia, China helped facilitate the entry of North and South Korea into the United Nations, quietly opposed Pyongyang's efforts to develop nuclear weapons, and laid the groundwork for a normalization of ties with America's ally in Seoul.

In Cambodia, China has firmly supported United States and U.N. efforts to implement the comprehensive settlement to the Cambodian conflict. The United States believes China has cut its military as well as financial aid to the Khmer Rouge, and has used its remaining lines of communication to urge cooperation in the settlement process. Although it is in China's own interest to see a peaceful and neutral Cambodian State emerge as the result of the Paris accords, this Congress must understand that China's continued support for this precedent-setting initiative will be key to bringing peace and reconciliation to that tragically war-torn country.

Elsewhere in Southeast Asia, Chinese diplomacy has largely focused on promoting regional peace and economic development. In this regard, the Congress should welcome the fact that China has joined Hong Kong and Taiwan in APEC, has established normal diplomatic relations with all six members of ASEAN as well as Vietnam. China will also attend the ASEAN ministerial meeting in Manila, where one of the agenda items is likely to be contention over the Spratly Islands. In this regard, China's new aggressiveness toward development of the disputed Spratly Islands is a matter of regional as well as international concern.

Although China's arms sales to the heinous SLORC regime in Burma remain a matter of serious congressional concern, it should be pointed out that Beijing has urged a peaceful and humanitarian resolution of the Rohingya crisis and also made several other constructive suggestions to Rangoon. The Congress continues to hope and expect that China will unambiguously act to preserve the stability and prosperity of Hong Kong after 1997. Likewise, even as China and Taiwan expand their economic and cultural ties across the Formosa Strait, Beijing should once and forever renounce the use of force as a means to bring about reunification and deal pragmatically with the reality of Taiwan's impressive socioeconomic and political evolution.

With regard to nonproliferation concerns in the Middle East and elsewhere, the administration has recently garnered significant commitments from China. This year, China agreed to observe the Missile Technology Control Regime. China has also acceded to the Nuclear Non-Proliferation Treaty. Beijing is involved in regional arms control discussion on the Middle East, has evinced an interest in any regional discussions that may take place regarding South Asia, and is taking part in the Chemical Weapons Convention negotiations in Geneva. Clearly, both the administration and Congress must continue to monitor Chinese actions closely, but on this issue China is generally moving in the right direction.

U.S. negotiators have compiled an impressive record of recent success on issues of concern in the area of trade. After the United States Trade Representative commenced a special 301 investigation, China agreed this January to improve protection of intellectual property rights, and is likely to soon join both the Berne and World Copyright Convention. Section 301 investigations have also been commenced to improve China's market access that should both help reduce our bilateral trade deficit and help China qualify for GATT membership. In addition, United States and Chinese negotiators have recently reached agreement on a draft memorandum of understanding, including United States inspection rights, that will help prohibit exports of prison labor products to the United States.

With regard to human rights, it was President Bush who took the strongest position of any world leader against the Tiananmen massacre and subsequent political crackdown. Indeed, the United States is the only country in the world today with its Tiananmen sanctions still in place. Washington continues to seek an accounting for, and release of, all Chinese political prisoners, an end to religious persecution, as well as permission for humanitarian groups like the International Committee of the Red Cross to have access to Chinese prisons.

In response to persistent United States and Western pressure on human rights, China has taken the symbolically important step of recognizing human rights as a legitimate issue of international discourse. Some U.S. observers deprecate this advancement in our bilateral dialog, but as Hou Xiaotian—wife of jailed dissident Wang Juntao—observed recently, "major

progress is reflected in the Government's behavior." To paraphrase Lincoln, Beijing's cruelty and obstinacy on human rights may often cause Americans to bite our lips in vexation, but as long as we remain engaged, progress can continue to be made.

As reflected in this year's Pelosi and Mitchell bills, the conditional approach to MFN can be both credibly defended as well as negatively critiqued. This year's bills attempt to be more discriminate in the application of tariff sanctions against China than in the past; but across-the-board differentiations between state and market enterprises in one of the largest and rapidly growing economies in the world is likely to be futile. Moreover, any toying with MFN raises the specter of internal Chinese retribution against the most progressive groups in China today. Ultimately, the issue boils down to judgment, whether tampering with normal trade relations advances or undercuts American interests and influence in the world's most populous country.

I recognize that economic sanctions are sometimes appropriate—as was the case with apartheid South Africa—and that in areas of foreign commerce the Constitution gives plenary authority to the Congress. Yet in a world in enormous and unpredictable transition, a world in which international economics and the communications revolution are combining to erode the foundations of Asian Leninist regimes and thus accelerate their eventual demise, this Congress would be well advised to give the benefit of the doubt to the President and assist in crafting a nondivisive, bipartisan approach to Sino-American relations. After all, what is at stake is the future of our relations with a teeming one-fifth of the world's entire population.

Revocation of MFN is not in America's interest. It would seriously jeopardize the economic future of Hong Kong and impact adversely on Taiwan. In addition, to the extent revocation of MFN would reflect new strains between Washington and Beijing, it might tempt China to raise anew the status of Taiwan as a divisive issue in Sino-American relations.

At issue from the perspective of the Chinese people is whether their country is going to be economically and hopefully, politically, brought into the 21st century ala a impressively evolving democratic Taiwan or whether the future will lead to deprivations and stagnation associated with the totalitarian Maoist era.

It is in our interest to encourage China to maintain an open economy. After all, the liberating logic of the free market has challenged the world's remaining Marxist governments with contrasting models of such greater efficiency and opportunity that the demise of centralized planning regimes is heralded, with only the timeframe in doubt.

Two decades ago a group of French journalists interviewed Chou En-Lai and asked, among other things, what he thought was the historical significance of the French Revolution, to which he responded: "It is too early to tell."

It strikes me it may be too early to tell the exact ramifications of the profound socioeconomic changes occurring in China. But it is certain that the ramifications are deep, and that they involve the near total delegitimitizing of both Marxist philosophy and the Chinese Communist Party. Whether political liberalization will occur this week, next year, or 5 years from now, progressive change is almost certain to occur.

This Congress must continue to reflect commonsense American concern for the protection of human rights and the advancement of individual liberties in the People's Republic of China. We owe that to ourselves and the ideals for which we stand.

But we must also have the humility and sense of perspective to perceive that we cannot unilaterally effectuate a rapid transition to democracy in China. To attempt to do so not only disrespects the limits of our power, but ironically strengthens the hard-liners in Beijing by validating their propaganda against us. It puts foreign pressure by the United States at issue, rather than the tragic miscalculation at Tiananmen and the record of egregious misrule by the Chinese Communist Party.

The Pelosi approach, at its core, assumes that a conditional approach to MFN gives Washington the leverage to compel an accelerated transition to a more pluralistic and humane form of Chinese governance. This high-risk and hubristic policy not only overestimates American power, but it is heedless of the tragic history of the last 100 years of Chinese interaction with the outside world.

It is not without significance to congressional deliberations that China too, is engaged in a great national debate. In advance of the party congress scheduled for this fall, reform-minded Chinese leaders are seeking to promote policies that accelerate Deng Xiaoping's policy of "reform and opening," including making correct use of capitalism and Western culture. By threatening to undercut MFN, the Congress provides the pretext for a xenophobic reaction by Chinese hard-liners, who will paint conditionality as a humiliating ultimatum by a hostile foreign power and possibly reverse the policy of reform and opening to America and the West.

For those who believe—as I do—that free economics drives free politics, can it possibly be in our interest to pass legislation today that, through miscalculation or design, undercuts the Chinese stepchildren of Adam Smith and allows a tightening of the reins of economic as well as political power by the discredited disciples of Marx, Lenin, and Mao?

In the judgment of the President, normal, nondiscriminatory trade best serves our interests. The United States has pursued a balanced, nuanced approach, walking a precarious diplomatic tightrope as it attempts to maintain open communication and commerce even while it aggressively addresses selected areas of bilateral concern: human rights, proliferation, and instances of unfair trade. This Congress would be well advised to support the President and maintain a bipartisan, bi-institutional approval to a country, the relationship with which could be the key to peace, stability, and prosperity in the 21st century.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, after 2 years of debate and administration assurances of improvement in China's human rights record, human rights violations continue to be widespread in China. Arrests, trials, and sentencing of dissidents still continue as do official regulations and restrictions on religious freedoms. The most recent case is that of the trial of Bao Tong, who has been sentenced to 7 years imprisonment. Bao Tong has been in detention without trial for 3 years and in January, 1992, was charged with "counter revolutionary propaganda and incitement" and "leaking state secrets." China's policy of internal repression instituted in 1988 still exists in 1992.

There are those who argue that imposing human rights conditions on MFN renewal would be counterproductive or have no effect. Similarly, others contend that MFN should not be used as a tool to achieve political ends, and that trade and human rights are unrelated. These arguments are contradicted by the actual experience of other countries where we have linked trade with human rights. Many of the new freedoms granted in the former Soviet Union, for example, the right of free emigration, were effected largely as a result of the United States making trade preferences conditional on reforms. The Soviet Union yielded because they were desperate for hard currency. The Chinese Government is in similar need, and putting human rights on the MFN agenda will inevitably generate pressure to change policy.

Mr. Speaker, the United States is looked upon by those living under repressive regimes such as China and Tibet as a country dedicated to the fundamental principles of human rights. We need to maintain this respect and not pursue double standards when dealing with our international neighbors.

I am appalled Mr. Speaker, by an oped piece in today's edition of the Wash-

ington Times that presumably reflects the views of the Bush administration. It betrays not a glimmer of understanding of the universal nature of fundamental respect for human rights and democracy. It states:

It will be many decades before China achieves either a representative government or human rights policies that will satisfy the unrealistic expectations of the U.S. Congress and the American people.

Mr. Speaker, how do we explain this to those imprisoned and tortured because they dared to speak out and express their beliefs. Those of us who enjoy the fruits of freedom must remind ourselves that there are many in the world that do not share it.

The piece states further: "It is time to relegate the Tiananmen tragedy to history and to stop bringing up this offensive incident." Well, the Tiananmen massacre won't just disappear down the memory hole of historical revisionism.

Mr. Speaker, our espousal for MFN conditions stems from the revulsion that we along with most Americans felt at the bloody events in Tiananmen Square, and the subsequent and continuing persecution of nonviolent democratic forces in China and the independence movement in Tibet. No American who witnessed the horrifying scenes of Chinese troops slaughtering hundreds of peaceful prodemocracy students will forget the massacre which occurred. Mr. Speaker, our anger at these memories can not be dulled by the passage of time. We will not stop bringing it up as the apologists for Tiananmen suggest we should. The Chinese Government is still continuing its arrests and persecution of prodemocracy activists—they have not forgotten.

The op-ed piece goes further to say that "Human rights are time and country specific. It is unreasonable to assume that Western values have universal validity and to expect China to accept them at this time." Mr. Speaker, this view is an expression of cultural relativism which the Bush administration and the Washington Times claim to implore. The President has for the last 3 years ignored all commitments to human rights and freedom for the people of China and Tibet. His renewal of most favored trade nation status for the tyrants of China reflects the President's blindness and disregard for those who are oppressed and suffering injustice. We are talking of lives and deaths, sufferings—these are felt by individuals irrespective of color, race, or religion. It is not time and country specific. It is universal.

Mr. Speaker, according to the op-ed piece:

By inserting issues relating to human rights into negotiations on legitimate differences that exist between China and the United States, we immediately create an atmosphere that is not conducive to the resolution of serious problems.

The United States has a serious problem with China—a widening trade gap.

Mr. Speaker, by renewing MFN for China, the President is saying that we can equate the trade policies of that country with those of our own as being founded upon those values similar to our own. International trade should be a force for bringing peace and prosperity among nations. It should not be a prop for a regime which practices systematic repression and brutality. Mr. Speaker, most favored nation status is not an entitlement, it has to be earned. It is something that has to be acknowledged as being reciprocal and mutually beneficial. My message to the rulers of China is that they must respect international norms of human rights if they want to enjoy the full benefits of trade with the United States.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in support of H.R. 5318. Again we have the chance to use this leverage, the tool of most-favored-nation trade status. This bill does not cut off MFN. It does set conditions for it to continue in the future.

I see my colleague, the gentlewoman from California [Ms. PELOSI] over there. She deserves great credit for her work in bringing this bill to the floor. It has been my pleasure to work with her, and I think this bill recognizes what many of its opponents do not, and that is: You cannot separate human rights and trade policy, just as you can't separate military and diplomatic policy. A great nation must weave all these policies together.

Now, there are two differences in this bill from last year to this year. This year's bill adds the condition of China cooperating with the United States in efforts to obtain an acceptable accounting of American servicemen who are POW/MIA from the Korean or Vietnam conflicts. Reports of Americans in the Chinese prison system have been circulating for years. Most recently the Los Angeles Times reported that the Pentagon had evidence that several dozen American POW/MIA's from the Korean war were taken to Harbin, China and subjected to psychological and medical experiments before being killed.

The second difference in this bill is that it responds to the strongest argument of its opponents: That conditioning MFN hurts the private businesses in the south of China which have been proreform. This bill, if the conditions were not met, would only cut off MFN to state-owned industries.

This legislation will help achieve real progress in improving human rights in China. In addition, it speaks loudly and clearly to the millions still oppressed in China and Tibet: We have not forgotten your plight.

China continues to imprison people for the free expression of ideas, and for wanting to practice their religion. China continues to harass foreign journalists, and China continues its brutal oppression of the people of Tibet.

The recent detailed reports by such organizations as Asia Watch on the brutal torture taking place in the Chinese gulags should be a call to action. Not rash, counterproductive action, but the reasoned action of this legislation.

Some argue that we cannot isolate China. This bill does not isolate China but wisely uses leverage to bring China out from its own dark cave of imprisonment, torture, and oppression.

I urge support for the bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, there are 10 million people out of work in this country, tens of millions more who are underemployed, 37 million without any insurance, 50 million who are underinsured, more bankruptcies in this country in the 1980's than since the beginning of the country, and, if my colleagues think those figures are staggering, read them and weep because they are true. We are seeing our jobs go out of the country, to Mexico and to China. We are losing our ability to be able to house, feed, and clothe other families, and yet what are we doing about it? We are sending everything over to China, and to Mexico and all these places.

□ 1540

I stand here and say even though I voted for the other resolution, I will support this, but only with the conditions that it has in it. If we fail to do that we are failing the American people. We cannot continue to see the kind of policy embracing communism in this country. Twenty-eight million veterans and millions who have been injured do not want to see that. I think it is an insult to any of them and the 10 million people that are out of work.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, Smith-Corona of Cortland, NY, is leaving. They are going to Mexico. It is on the press right now. One thousand jobs are being lost. America does not manufacture a television, a telephone, and now a typewriter.

I am going to vote for this bill because it is a little bit better than the other silly turkey that we have. We are not going to have just a rice paddy on the east lawn of the White House. Congress is not going to be satisfied until they plow up the Rose Garden and even have a damn Chinese rice paddy there.

I am against these policies. There is not a job that is safe in America. Smith-Corona, folks, going to Mexico. There is not a typewriter now made in America.

If somebody is not listening, then what the hell are we elected for.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, this bill does not kill China MFN. Under the Pease-Mitchell bill, most-favored-nation status is right there for the taking for the Chinese Government.

They just have to do two things: account for the missing prodemocracy protesters of Tiananmen Square, and release the others who have been rotting in prisons after that bloody massacre in the square.

Mr. Speaker, is that too much to ask of the Chinese rulers? I am amazed that some of my colleagues seem to think so.

Many of those same colleagues did not hesitate to attach conditions on MFN for the Soviet Union for free immigration for Jewish refusniks. Nor did they hesitate to support trade sanctions against South Africa to deal with apartheid.

Well, my question today is if those conditions were justifiable, how can any freedom-loving Senator or Congressman ignore the plight and the bravery of the Chinese protesters in Tiananmen Square? Senators and Congressmen would be real studies in hypocrisy if they supported sanctions on behalf of Soviet Jews and South African blacks, but turned their backs on Chinese prodemocracy demonstrators today.

Mr. Speaker, vote for the Pease-Mitchell amendment.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I rise in support of H.R. 5318, which would impose conditions on further renewal of most-favored-nation trade privileges for the People's Republic of China.

As in previous years, I favor making continued MFN for China conditional upon Chinese performance in human rights and other areas. The only absolute condition on continuation of full MFN for China in this bill is an acceptable accounting by China of actions against nonviolent protesters who were punished for their role in prodemocracy demonstrations.

These terms are well within the abilities of the Chinese Government to meet. In fact, under prodding by the Bush administration as well as third parties, China has already engaged in limited discussions on the status of individuals who were punished after the Tiananmen Square massacre.

This bill would also require the Chinese to make overall significant progress on a range of other concerns in United States-China relations. These include other human rights issues as well as trade and weapons proliferation concerns.

Make no mistake. With its scorn for human freedoms—as well as its high-handed approach to trade, including restrictions on imports and uncontrolled export of military technologies—the Communist Government of China is a danger to world peace and prosperity.

No one wants to punish the Chinese people for the crimes of their Government, especially knowing the forcible repression to which they are already subject. Unlike previous years, this bill would apply to continued MFN only for state-owned enterprises in China.

We can never forget nor forgive the tragic events in Tiananmen Square and their aftermath. The Chinese Government must fully account for these deeds if it hopes to regain normal relations with the world community. This bill is a step in that direction.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I rise in support of the Pelosi-Pease bill. I do prefer the Solomon amendment, the outright revoking of MFN, but certainly the attempt of the gentlewoman from California [Ms. PELOSI] and the gentleman from Ohio [Mr. PEASE] to set conditions, while a more moderate approach, is an approach that I can support, if in fact we are not able to enact the Solomon amendment.

There is no question but that human rights are still being violated in China. There is no question that the trade deficit between China and the United States is growing. There is no question in my mind that until we show a unity of purpose in this country that we absolutely do not support or in any way condone what happened at Tiananmen Square 3 years ago, that the current Chinese Government will continue their repression and their violation of human rights.

Mr. Speaker, I would strongly support the Pelosi-Pease amendment and urge my colleagues to do likewise.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in very strong support of President Bush's attempt to grant unconditional most-favored-nation status to China. It seems to me that if we look at the fact that we all have the shared goal of trying to bring about an end to the horrendous human rights violations that China has been responsible for over the years, we have an obligation to support the one person who is looking at the regional question of human rights violations in the Far East.

Not many people have recognized the fact that there have been some positive developments which have taken place in our relations with China over the past couple of years. For example, the French and Australians have joined with us in discussions on the human rights situation.

Mr. Speaker, while still bad, we were very encouraged with the report that we got from a woman called Ti Ching, a journalist, one of the most famous dissidents in China, who worked in this country for a year and then returned to China and said there has been marked improvement in the area of human rights violations.

It is also important for us to note that in the United Nations we have had great support from the Chinese Government. They have not been perfect, but when we look at arms control, the Mideast talks, the ACME talks, we have been working to try to reduce the threat of further expansion of weapons in the region and China has strongly supported our attempts to bring about a reduction there.

Mr. Speaker, we are on the right track. We have not seen as much improvement as I would like to see or as much improvement as any of us in Congress would like to see, but I have enough confidence in our executive branch to move ahead and deal with the situation in the negotiating process. So I urge support of unconditional MFN status for China.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER].

□ 1550

Mr. SCHEUER. Mr. Speaker, today we vote yet again on most-favored-nation trade status for China. Today we can either deny MFN outright or condition this privileged trade status for China on significant changes in the People's Republic's policies on human rights, weapons proliferation, and trade.

I say to my colleagues that we have done this before. In fact, this Congress has voted overwhelmingly on numerous occasions to deny such trade privileges unless China stops acting like an international outlaw.

But each time we have acted, the President has stymied our action. Through his veto he has frustrated the will of the majority in Congress and the majority of the public.

He has fought with all his strength for leniency for the world's sole remaining totalitarian superpower: One that sells missiles to our enemies and those of our allies; one that runs up a $10 billion trade surplus through unfair trade practices—using child labor, prison labor, and slave labor; and one that slaughtered the flower of its own youth, the hope of China's future, 3 years ago last month in Tiananmen Square.

When we saw the tanks crush China's best and brightest during those June days in 1989, we and the rest of the world cried out in outrage and disgust.

But the Bush administration turned right around and proceeded to cozy up to the Chinese Government less than a month after the massacre.

For the last 3 years, it has pursued business as usual with this aging group of despotic mandarins.

For a few dollars, this administration has betrayed our heritage and the dreams of hundreds of millions of Chinese, who desperately want to share in the blessings of liberty which their Eastern European and formerly Soviet brothers have rushed to embrace.

These bills would correct our course and finally send the right message. House Joint Resolution 502 would immediately suspend MFN trade privileges for China, and H.R. 5318 would condition MFN's extension next year to significant improvements in China's human rights, weapons proliferation, and trade policies.

It defies logic and common sense for us to be extending favorable trade status to a country that oppresses its own people and continues to sell destabilizing missile weapons to radical regimes in the Middle East who are determined to drive our friend and ally Israel into the Mediterranean Sea. House Joint Resolution 502 would simply cut off MFN immediately.

H.R. 5318 recognizes the importance of economic reforms already taking place in the special economic zones of Shanghai, Guangdong, and Shenzhen. This bill only conditions MFN for products manufactured or exported by state enterprises.

Thus, by targeting only those companies run and owned by the Chinese Government, this bill promotes rather than inhibits free market reform and trade liberalization in China.

I urge my colleagues to support these essential pieces of legislation.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the respected minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, as I recall, this week is Captive Nations Week. We used to commemorate that week around here quite extensively with all kinds of speeches, when those captive nations still existed.

There is one left. It is the largest populated country in the world, of course, and that is Communist China. Maybe that is why I support the President's position as being very appropriate for these times.

I would like to offer at the very outset of my remarks a headline from the Sunday New York Times last month, June 28, "Support for Move to Freer Markets is Growing in China." And a Chinese economist is quoted as having said, "The reformers haven't yet won the battle. But there's no doubt that at this point we're winning."

The Times also reports:

[Chinese] economists are discussing new ideas with an openness and giddiness not seen since the hard-liners reasserted themselves in the crackdown on the democracy movement in Tiananmen Square in June of 1989.

So the free market is beginning to work again in China. Although it is very small, that means the exchange of ideas as well as goods. And yet today we debate a sincere but what I would consider a misguided proposal that could put all these gains at great risk. This proposal requires the Chinese Government to make progress in four areas ranging from accounting of prisoners to eliminating unfair trade practices.

If the Chinese refuse, we would then impose selective MFN policy, dividing Chinese industry into neat little categories of private enterprises and State-owned enterprises. But such a policy is as unworkable as it is unwise. The Chinese economy is incredibly complicated.

China has 1,200,000 State-owned firms, 16 million individually operated firms in rural areas, and 17,000 firms with some form of foreign participation. Only 4,000 Chinese state enterprises are authorized to conduct foreign trade. They act as agents for almost all of the exports of both state and nonstate firms. And when we ultimately process these exports through Hong Kong brokers, it is nigh impossible to identify the producer's form of ownership. If we ever did adopt such a scheme, the Chinese would, of course, retaliate against our exports to their country. And that is no insignificant amount. It was $8 billion, I think, this past year.

Who would benefit? Japan and Europe, of course. Is that what we want? I do not believe we do, but that is exactly what we would get. I do not think supporters of this bill really want to go home and tell the folks how accommodating they were to the Japanese economy.

Let us face it, China is our fastest growing export market in Asia, if we analyze the figures. Why risk American jobs? Why risk American exports of an estimated $8 billion a year in 1992, including wheat, aerospace, computer equipment, not to mention the best tractors in the world that happen to be produced in my own district, Caterpillar by name?

And what about human rights? Is not the issue of human rights at the heart of the matter? We all agree on one fact: Communists in China persecute religion, torture innocent people, and trample on human rights. They have been doing it since 1949. The only difference is that the atrocities are not on as vast a scale as they were 30 years ago and 20 years ago.

Yes, human rights is a problem we must be concerned with. That is why the United States is the only country in the world that has continued Tiananmen Square sanctions against the Communist Chinese, which are specifically targeted to human rights issues. Some may say that that is not enough, but it is there and the Chinese do know it.

But how would this selective MFN approach help human rights. All it does is make a gesture that might make some of us feel good about ourselves, but it is not going to open one prison door. The cause of human rights in China can best be served by the patient, persistent, ultimately inexorable growth of free markets and free ideas. Today there is a thriving enclave of freedom right in the very heart of this Communist-dominated country. Why punish the Chinese people and American workers for the crimes of the Chinese rulers?

How many times have we spoken about our love for peoples everywhere. It is their rules who we condemn. It is another kind of situation, same way. If we really want to get tough with the Chinese Communists, then condemn them to live with a growing free market in their midst.

Yes, it helps their Socialist economy, but at the cost of creeping capitalism, which they rightly fear as the most significant long-term threat to their dominance.

If my colleagues really want to help the cause of human rights, do not risk losing our MFN ties with China because it is through trade that we export freedom. Let us not jeopardize the growth of the free market in China. It benefits the Chinese people, benefits human rights, benefits American workers.

I would urge my colleagues to support continued MFN status for China. Even though it may appear to be the most politically safe vote for the moment, there are far more important ramifications, long-range, for the relationship between our two countries. We ought to be playing to a long-range strategy in our own best interests.

I urge the Members to reject the Pease-Pelosi bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 5318.

While China has enjoyed MFN status since 1981, its annual extension has been controversial since Tiananmen Square in 1989. And we find ourselves here today because there are serious issues which must be addressed if we are to continue to grant the Chinese MFN status.

For instance, in recent months, Chinese authorities have repressed foreign journalists, including Americans. In May, China exploded a 1,000-kiloton nuclear device. China also reportedly has sent missile guidance technology to Pakistan and has over 1 billion dollars' worth of missile contracts with Iran, Syria, Pakistan, and other countries in the Middle East.

Finally, China's trade surplus with the United States is expected to reach $20 billion in 1992; it has more than doubled since Tiananmen Square. Trade surpluses of this magnitude enable China to build up a huge foreign currency reserve which only increases its ability to withstand international pressure to reform.

Therefore, the bill before us today places conditions on MFN for 1993. The bill would bar the President from granting MFN status in 1993 unless he certifies that the Chinese regime has accounted for and released those jailed after Tiananmen Square and has made "overall significant progress" in the areas of human rights, trade, and weapons nonproliferation. If the conditions are not met, MFN treatment would be denied, but only to the products of Chinese State-owned enterprises.

It is the right thing to do. I would urge my colleagues to support H.R. 5318.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding time to me, and I rise in support of the bill of the gentleman from Ohio [Mr. PEASE] to condition most-favored-nation status for China on improvements in human rights there, improvements in our trade relationship and in the area of nuclear proliferation.

I commend the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Florida [Mr. GIBBONS] for their support of and commitment to prompt action on this legislation.

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I want to pay special tribute to my colleague, the gentleman from Ohio [Mr. PEASE], the author of this bill, whose commitment to workers' rights and human rights worldwide is well known. The gentleman from Ohio [Mr. PEASE] in his opening remarks clearly set out what this bill does. In presenting this legislation he has created a solution to our policy impasse with China.

This bill encourages the role of private business in creating economic and political reform. It protects Hong Kong while isolating the hard-line regime in Beijing. It safeguards American manufacturing jobs and demands the responsible management of dangerous weapons, and it provides hope, hope for millions of Chinese who have fallen into disfavor with a regime that disavows their right to speak freely, to write, to worship, to dream.

We have all heard in the course of this debate, in the earlier legislation presented by the gentleman from New York [Mr. SOLOMON] why we have a need for this legislation, what the human rights situation is in China, and it is deplorable. We know what the trade situation is and we know what the nuclear proliferation treaty is.

Why is this legislation so important to the American people? Mr. Speaker, I believe it is necessary for our colleagues to join in giving the strongest possible vote to this legislation because of the serious trade imbalance that exists between our two countries. China has enjoyed since Tiananmen Square a $30 billion trade surplus with us. They have done this, and in addition they have profited from transshipments. That is when they say something is made in another country which is really made in China, to avoid our quotas. It is important to the American people because China has barriers to our products going into China. It is a large market indeed, if we could access it, but the Chinese have created barriers to our products going there, and the use of slave labor, forced labor, well-known and well-documented. This is unfair to the American people.

Yes, this bill is about human rights, the human rights of political prisoners in China, human rights of all the people in China who cannot speak or worship freely. It is also about the human rights of American workers who are being deprived of the real opportunity our country could provide for them because of this administration's policies toward China.

By the end of this year China will have probably, in the Bush administration, enjoyed a $50 billion surplus, and all the jobs that are implied in that. What does the government spend this money on? Mr. Speaker, largely it spends its money on weapons. According to numerous reports, the Chinese are buying sophisticated Russian weapons as fast as the cash-strapped republics, former republics of the Soviet Union, can sell them.

The gentleman from Ohio [Mr. PEASE] referred to the megatron bomb that was tested, as did other speakers. The Chinese regime is building its military muscle and is using its trade surplus to pay for it. The hard currency provided by the trade surplus is also strengthening the regime in power. Their hard currency enables it to dominate the economy and therefore continue to repress its people politically.

Earlier I referred to an op-ed in the New York Times written by Bao Pu. Bao Tong is the person who was on trial today and was sentenced to 7 years.

In China when we had the Tiananmen Square massacre the soldiers who killed the students who were demonstrating peacefully each got a watch commending them for putting down the turmoil. Today the regime gave to this brave and courageous gentleman, who was a reformer who tried to warn the students about the coming of martial law, they gave him not a watch but 7 years in prison. His son says in this article, which I commend to my colleagues for their reading, and I wish to submit for the RECORD,

Bao Tong's persistent efforts to grapple with seemingly clashing view points and his personal sacrifice for a vision of a better future for the people of China exemplifies the kind of courage and strength respected by people everywhere.

Therefore, it is important to the American people for this legislation to pass and for it to become law. It is important because of American jobs, it is important because of fairness in our trade relationship with China in that regard, it is important because of the safety of the world. Strategically it is important for us not to have China buying up weapons and in turn selling them into unsafeguarded countries throughout the world, more specifically, Iran and Syria, who have been mentioned in similar legislation. It is important because of human rights and who we are as a people.

For two centuries this House has been a citadel for freedom, safeguarding against tyranny. I urge my colleagues to support this because of human rights in China and Tibet and also the human rights of American workers.

[From the New York Times July 21, 1992]

MY FATHER IS NO ENEMY OF CHINA

(By Bao Pu)

Bao Tong, my father, is to go on trial today in Beijing after nearly three years of detention without charge. The case has attracted considerable international attention because my father was the top aide to the ousted Communist Party chief, Zhao Ziyang, who sympathized with the students in Tiananmen Square. His trial may have implications both for Mr. Zhao and for the fate of economic and social reform.

I want people to see my father for himself, to understand his strength of character and how his hopes and beliefs have been trampled on to serve the ambitions of others.

As Mr. Zhao's chief of staff, Bao Tong was deputy director of the State Commission for Economic Reform from 1980 to 1987. This commission developed policies that successfully dissolved thousands of communes, which had stifled the productivity of some 800 million farmers for more than three decades.

In cities, primitive market systems were set up and nurtured. A few cities were opened for foreign investment. Deng Xiaoping's intentions for economic reform were carried out with great care.

My father ardently believed in the necessity of political reform. From 1987 to 1989, he was the director of the Political Reform Research Center, a research and policy-making institution. He was in charge of developing an extensive program for reform, including plans for separating the powers of party and state, setting up a fair and equitable civil service system and promoting democratic procedures in party and government.

The market system grew while the old economic system slowly dissolved. Privatization took place in various ways. Public property first started to fall into hands of the most impoverished, who were also the most eager for change. But those with the right connections in the old bureaucracy had the best access to new opportunities, and the use of bureaucratic power for financial gain became incredibly tempting. Some made outrageous fortunes in comparison to average wages.

Anger brewed among those who still depended on the old system; to them it appeared that the reform mostly benefited corrupt bureaucrats.

The profound social changes that resulted from the initial economic reforms made the reformers vulnerable. The proposals for political reform sharply aggravated the party's internal struggles. Recognized reformers were personally attacked as supporters of "bourgeois liberalism."

In the spring of 1989, the people's anger and impatience with reform expressed itself in the students' prodemocracy movement. Conservatives in the leadership seized this as a pretext to overthrow the faction that threatened them. Zhao Ziyang was ousted and Bao Tong was arrested and held near Beijing in Qin Cheng, a special prison for political prisoners.

My father considered economic inequities unavoidable in the early stages of reform and felt that corruption was dangerous to its progress. He strongly believed that regimes that become autocratic are bound to degenerate and that personal gain was incompatible with serving the public interest. He persisted, aware of the precariousness of his position.

In 1987 and 1989, he quietly endured numerous political attacks, hoping to avoid any ideological controversies that might destroy the chance to proceed with reform. He was attacked by the old guard as dangerously radical and criticized by impatient young reformers as too cautious.

He continued to push for reform, despite what he saw as the inescapable predicament of all reformers of a Communist system. As with Mikhail S. Gorbachev, attacks would come from all sides—from old party veterans and from the people, whose lives were suddenly disturbed by the economic and social instability that inevitably accompanies change.

Bao Tong's persistent efforts to grapple with seemingly clashing viewpoints and his personal sacrifice for a vision of a better future for the people of China exemplifies the kind of courage and strength respected by people everywhere. My father's trial is not just a political event. It is an attack on values that have universal respect—individual courage and self-sacrifice for a greater good.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

UNITED STATES-CHINA ACT OF 1992

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I rise in annual opposition to the Pelosi amendment.

Mr. Speaker, we need to take a close look at what we are doing today in the context of where our Nation stands at this point in time. We have passed numerous unemployment extension bills, we have a populace increasingly concerned about losing their jobs, and we have been struggling to determine what can be done to further spur the economy, farm prices are down, export markets are stagnating.

So what are we proposing to do here today?

We are proposing to put America second.

We're proposing to give away American jobs.

We're proposing to shut off a major agricultural export market.

We're proposing to increase costs to American consumers, and

We're proposing to sacrifice our domestic agenda in the name of questionable foreign policy.

Talk about a Congress which is out of touch with the American people—this legislation is a prime example of that fact. The goals of this bill are laudable, but, once again, the means proposed to achieve them are of highly questionable effectiveness while it unquestionably imposes significant and greater costs on our country and our citizens than it does on the nation we are trying to effect.

What so many of those who promote protectionist policies and trade embargoes never realize is that the United States cannot survive without exports—our domestic market is simply not big enough to support our economy. Nearly 30 percent of U.S. agricultural commodities are harvested for export. American manufacturing cannot survive without exports. So what does H.R. 5318 do? It cuts off the world's largest single consumer market to American farmers and American companies.

Let me emphasize that you don't simply turn on and shut off foreign markets and expect U.S. industry to weather the storm. The longer term permanent loss of jobs in certain sectors that we have seen more recently is evidence enough of this fact. In the agricultural sector you don't simply not farm 1 year because the market doesn't generate a sufficient price and farm the next when exports prop up the price to where you can afford to produce a crop. We need all our markets and we need them consistently.

While H.R. 5318 attempts, I repeat attempts, to create a bifurcated system of punishment for Chinese imports, its authors fail to realize the practical effect of any such policy on a nation like China. The Chinese Government is the monopoly purchaser of virtually all United States grain and other agricultural products. State-owned firms are also the major purchasers of U.S. aircraft, electronics, medical and scientific instruments, chemicals, fertilizer, and timber. So while H.R. 5318 desires to protect Chinese free enterprise, it slaps United States free enterprise in the face. It is important to note that many of the products the Chinese import from the United States are what we term "necessities"—wheat for food, fertilizer to help grow food, timber for housing, and so forth—therefore, you hurt the Chinese people, the very people we're purporting to help under this bill, by encouraging retaliation against United States imports.

If the House passes this bill, it is saying to the American people—your interests don't come first, your jobs must be sacrificed in the name of a foreign policy that probably won't work, but we know you'll understand. I can tell you right now that Iowa farmers and consumers don't understand and they want their interests put first. Those interests are with the President in supporting the unconditional renewal of MFN treatment for the People's Republic of China. The President, once again, is trying to help our domestic agenda and once again, Congress is standing in the way. I refuse to stand in the way and I urge a "no" vote.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I rise in strong support today of the Pease-Pelosi proposal. If I can just take a minute or two, this is about 16 people back in my home district of Wisconsin. About 15 miles south of Madison in the small community of Oregon, 16 members of the Tibetan community have been resettled. They have been on the run for the last 20 years, settling for a time in India, finally touching base in Europe. Some of them are now trying to put down roots in Wisconsin. Over the next year we expect another 84 members of the Tibetan community, all in exile, to take a new home in south central Wisconsin.

Back home, it has been a story of absolute tragedy and horror. At one time there were 6,000 monasteries standing in Tibet. Today there are about five or six. The monasteries have been looted, paintings destroyed, and monks imprisoned. Last year the Dalai Lama had an intriguing proposal for members of the Chinese Government. That was to allow him to revisit his homeland and to be accompanied by members of the Chinese delegation to guarantee he was not there to cause insurrection.

Remember the kind of passion that was created in Poland when the Pope was finally allowed to visit? That is the same kind of sense of the Tibetan people, whether they are in exile in Wisconsin or in India, that one day their exiled leader will finally be allowed to return home. He was not.

Tonight, 16 members of the Tibetan exile community watch this vote in the House to see what kind of message we were going to send back to the leaders in China. Just a few miles up the road at the University of Wisconsin there are still several hundred Chinese students not allowed to go home because of their involvement in Tiananmen Square, and a young Chinese scholar, Mr. Zhang, wrote me just last month to say:

> Unfortunately, unlike yours, our country is far from being an ideal one, which we envision to be free, democratic, respectful of human rights. And because of that, we have never been content with China as she is. In fact, even when we are de facto forced into exile, we never for a moment forget that we have our share of responsibility for making a better China reality.

This vote today is an indication of the responsibility each of us shares here in the House of Representatives.

Mr. ARCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. CRANE], the respected ranking member of the Subcommittee on Trade of the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Illinois [Mr. CRANE] is recognized for 7 minutes.

Mr. CRANE. Mr. Speaker, I rise in strong opposition to H.R. 5318 because it would threaten the President's ability to achieve further economic and political reforms in China. I urge my colleagues to evaluate this bill in light of broader security interests in Asia which include a stable society in Hong Kong, and an expanded role for Taiwan in the international economy.

The issues are complex but, on balance, continued trade is the best means for encouraging peaceful change in China.

While appreciating the sincerity and values of those who support H.R. 5318, I cannot agree with their method. Listing detailed conditions regarding Chinese behavior would only serve to stiffen their resistance to reforms we seek.

If it were possible to take aim and only injure the political leadership with the sanctions in this bill, I might be persuaded to consider it. But the truth is, it is impossible to distinguish products produced by state-controlled enterprises in the manner attempted by this bill.

Furthermore, we know that 70 to 80 percent of exports manufactured by the emerging private sector in China are then exported through state-controlled trading companies and thus, would be subject to sanctions.

Next, I disagree with those who say that the size of the bilateral trade deficit, about $12.5 billion, justifies this approach.

In reviewing regional trade patterns, part of the deficit can be accounted for by import shifts as our East Asian trading partners such as Taiwan, Hong Kong, and South Korea increase their foreign investment in the dynamic Chinese economy. These investors are stepping up exports to the United States from China as they decrease products coming from their home markets.

However, the most compelling reason to oppose H.R. 5318 would be the crippling effect that withdrawing MFN to China would have on Hong Kong's free enterprise economy.

In this uncertain period leading up to PRC sovereignty in 1997, it is crucial that the United States reach out and cement and expand its relationship with Hong Kong, as an independent trader in the world economy. In my view, we should move forward with legislation authorizing the President to negotiate a free-trade agreement with this exceptional region of the world.

Also, we must redouble efforts to promote Taiwan's membership in the GATT as a way to strengthen ties with like-minded nations in the region.

Finally, trying to play the role of self-appointed disciplinarian is a bad deal for U.S. consumers and exporters. H.R. 5318 sets forth demands that very likely will not be met.

The President will have little choice but to end MFN for China. In response, the door to China will be slammed shut for $6.3 billion in United States exports. These sales can easily be replaced by our competitors in Europe and Japan.

An example mentioned during committee hearings was McDonnell Douglas Corp., which is in fierce competition with European Airbus. Literally billions of dollars in aircraft sales to government-owned Chinese airlines are at stake.

No other nation imposes conditions on trade with China, and past experience has shown us that sanctions taken without coordination among other major traders are a dead letter.

Mr. Speaker, I am firmly convinced that if we can work to teach free enterprise principles to the Chinese people, reform in government will be inevitable. There is explosive economic growth occurring in this market of 1.2 billion people. This economic activity is fundamentally incompatible with the perpetuation of totalitarianism.

It is in our interest to maintain and expand what is the most destabilizing force to the Chinese rulers—continued exposure to our values and principles.

Mr. Speaker, I am including in the CONGRESSIONAL RECORD a letter from 39 U.S. business and agricultural associations outlining their strong opposition to H.R. 5318.

BUSINESS COALITION
FOR UNITED STATES-CHINA TRADE,
July 20, 1992.

Hon. DAN ROSTENKOWSKI,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE ROSTENKOWSKI: The business and agricultural associations listed below represent thousands of American companies and farms that are engaged in trade with China. We are writing to urge your opposition to the Pease-Pelosi bill (H.R. 5318) which would condition continued MFN tariff treatment for China upon particular actions by the Chinese government in the areas of human rights, trade and weapons sales.

While we agree with proponents of H.R. 5318 that the government of China must make progress in protecting the human rights of its citizens, opening its markets to foreign products and abiding by international agreements restraining the sale of dangerous weapons systems, we do not believe that linking progress in these areas to continued extension of MFN will further those objectives. Instead, we believe that enactment of the legislation would ultimately undermine the progress made to date on these issues, would badly damage U.S. companies exporting to China, and would harm the embryonic private sector beginning to flourish in China, despite provisions of the bill intended to limit the adverse effects of any withdrawal of MFN to "state-owned enterprise."

Enactment of the legislation would put U.S. exports to China at risk. Almost all of the $6 billion of American exports to China including agriculture products, aerospace, chemicals, and heavy equipment is sold to the state sector. Since the legislation attempts to target retaliation against state-owned enterprises in the event the U.S. does not extend MFN treatment to China, it is almost certain that China would counter-retaliate against these American products, leaving those markets to our competitors in Japan and Europe.

Enactment of the legislation would poison the bilateral relationship at a time when progress is occurring in opening Chinese markets and gaining greater protection for American intellectual property in China. Such enactment would threaten implementation of the intellectual property agreement negotiated early this year, and could derail current negotiations to eliminate a variety of market access barriers under Section 301.

The emerging private sector and U.S. investors in China, as well as U.S. importers and consumers, will be adversely affected if any legislation is enacted, despite the intention of the bill's sponsors to limit the adverse effects of the withdrawal of MFN to state-owned enterprises. In China's mixed economy, state and private elements are intermingled in producing and exporting goods and commodities. Therefore, identifying an export produced by a state-owned or controlled enterprise is inherently difficult and problematic. We believe no formula could be constructed to implement the bill's intention of targeting only state-owned enterprises. Due to the complex, interrelated nature of the Chinese economy, attempts to target state-owned enterprises would only result in uncertainty and confusion, harming U.S. companies engaged in U.S.-China trade and the emerging private sector in China.

Finally, we believe that enacting the legislation would undermine the forces of reform in China, and limit the ability of the U.S. to influence China on trade, human rights and weapons proliferation issues in the future. American farmers, exporters, investors, importers and consumers, in the end, would pay a heavy price.

Sincerely,

Aerospace Industries Association; American Association of Exporters and Importers; American Business Conference; American Electronics Association; American Farm Bureau Federation; American League for Exports and Security Assistance; The Business Roundtable; Committee: ACT (Advance China Trade); Computer & Communications Industry Association.

Computer Business Equipment Manufacturers Association; Construction Industry Manufacturers Association; Consumers for World Trade; Electronic Industries Association; Emergency Committee for American Trade; The Fertilizer Institute; Footwear Distributors & Retailers of America; International Mass Retail Association.

Millers National Federation; National Association of Manufacturers; National Association of Stevedores; National Association of Wheat Growers; National Barley Growers Association; National Foreign Trade Council; National Forest Products Association; National Grain Trade Council; National Grange; National Retail Federation; National Turkey Federation.

North American Export Grain Association; Petroleum Equipment Suppliers Association; Pharmaceutical Manufacturers Association; Phosphate Chemicals Export Association, Inc.; Pro Trade Group; Retail Industry Trade Action Coalition; Toy Manufacturers of America, Inc.; U.S. Chamber of Commerce; United States-China Business Council; U.S.

Council for International Business; USA-ITA.

I urge my colleagues to vote "No" on H.R. 5318.

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Mr. ROSTENKOWSKI. Mr. Speaker, to conclude debate, I yield 5 minutes to the gentleman from Missouri, [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, in the post-cold-war foreign policy of the United States, with the threat of Soviet communism behind us, we now must turn our attention to issues like trade and values like human rights.

These are the jobs, security, and morality issues of our time, and they are the challenges which our national administration must surmount—if America is to be strong enough and right enough to lead the world.

China is where all of these issues come together.

China must be the subject of our strongest commitment on human rights—for it is the biggest country with the worst record of treating its people shamelessly and brutally.

China must be the subject of our strongest commitment against nuclear proliferation—for it is instrumental in exporting the most dangerous weapons to lesser tyrants.

China must be the subject of our most stringent attention when it comes to trade law violations—for its reliance on slave labor, and its constant violations of commercial norms steals American jobs and breaches the incomes and aspirations of its own people.

President Bush has failed the China challenge.

He has chosen to align our country with the repressive and unrepenting Beijing regime by renewing special trading status to China without condition.

The President has argued—against all evidence—that China's record has improved on all fronts and that any legislative attempt to condition our commercial relationship with Beijing would weaken our sway with its leaders.

But the reality is that his policy has failed, and the idea of changing China through enlightened engagement with its leaders is the pursuit of a brutal and unyielding fiction

While the Chinese Government's unrelenting efforts to stalk dissidents, punish minorities, and silence free speech is no longer the stuff of headline news, its repressive brutality persists.

It was just 2 months ago, that the search of a Washington Post reporter's apartment and seizure of her personal documents sparked outrage in our journalistic community.

In Beijing, high ranking officials did not anticipate the depth of reaction in Washington.

Obviously, violating basic human rights is so commonplace that strong, articulated opposition is met with surprise.

Moreover, at a time when the Russians and French have vowed to halt all nuclear testing; at a time when both Chambers of Congress either have passed or are on the verge of passing legislation halting all nuclear tests; at a time when even President Bush has signed up to voluntary restraints on nuclear testing—Beijing detonated a nuclear test that exceeded the recognized, permissible threshold by nearly sevenfold.

If George Bush calls this progress on all fronts—we just cannot afford any more of this kind of progress.

If these actions are the products instead of a foreign policy that has failed, we must change it.

The legislation authored by Congressman PEASE and Congresswoman PELOSI, brought forward by Congressman ROSTENKOWSKI and the Ways and Means Committee, restores moral footing to our China policy.

The status quo ante of Beijing brutality cannot be ignored any longer.

To change China—we need to change our trade policies toward China.

This legislation recognizes the new realities of the post-cold-war world, and it updates and emboldens our foreign policy accordingly.

I urge its adoption.

Mr. HOYER. Mr. Speaker, I rise today in strong support for placing conditions on China in order for state-owned enterprises to receive MFN status for this year. I would like to thank Congressman PEASE and Congresswoman PELOSI for their tireless efforts to ensure that we do not give favorable trade treatment to a government who has shown a reckless disregard for the humane treatment of its citizens.

We will never forget the televised sight of the prodemocracy protesters in Tiananmen Square, students, journalists and common men and women, mowed down by tanks and artillery for daring to stand and fight for freedom.

We have a responsibility in this great democratic country to recognize the human rights of all citizens around the world and ensure that their struggle to obtain the basic rights of human dignity and freedom of expression is not circumvented by international politics.

Mr. Speaker, it has been over 3 years since the Tiananmen Square massacre where literally hundreds of peaceful demonstrators lost their lives. Many families still suffer the injustice of not knowing the whereabouts of their loved ones and many others are still imprisoned for no other crime than a yearning for democracy. It is incumbent upon us to guarantee that the Chinese Government free all political prisoners who were detained and jailed after the massacre before we give them preferential trade treatment.

The legislation before us, H.R. 5318, will deny MFN status to China in 1993 until it is demonstrated that they have made overall significant progress in the areas of human rights in China and Tibet. In addition, this bill will not allow for the exportation of products made by forced prison labor, will make sure that prisoners are not tortured and treated inhumanely and will guarantee access by human rights groups to monitor these conditions in prisons. Peaceful demonstrations will no longer be banned.

Mr. Speaker, it is important that we take a stand here today against one of the few remaining bastions of communism. This legislation will help the unempowered to obtain their collective goals of freedom and democracy before we unconditionally renew their Government's status of most favored nation. I urge support of the resolution.

Mrs. LLOYD. Mr. Speaker, once again this body is confronted with the issue of renewal of most-favored-nation [MFN] status for the People's Republic of China. Not too long ago, we approved a bill that would condition renewal of MFN status. The conditions were fair and consistent with the democratic principles that we hold so dear.

Our efforts were thwarted by the Senate's inability to override the veto of our bill. My colleagues, we must again prove our resolve to the President and reaffirm our commitment to the Chinese citizens who believe in democracy. We must not reward a nonmarket, Communist country which has openly antagonized peaceful democratic demonstrations with the privilege of MFN status.

The conditions contained within H.R. 5318, an excellent measure offered by the gentleman from Ohio [Mr. PEASE] and the gentlelady from California [Ms. PELOSI], are representative of sound trade policy. In this bill, which I have cosponsored, we address China's egregious human rights violations. Specifically, we want to see an end to religious persecution, prison labor and restrictions on freedom of the press. Increased international human rights monitoring is needed to ensure improvements are made. Also, we insist that China cooperate with ongoing United States efforts to investigate United States MIA's and POW's.

We have suspected China of engaging in unfair trading practices that have allowed that nation to develop a tremendous trade surplus with the United States. On the other hand, Chinese markets have not been receptive to United States exports. The trade playing field between our two countries must be leveled, in order to ensure that United States exporters gain fair access to Chinese markets. H.R. 5318 includes provisions to make approval of MFN status contingent upon a Chinese commitment to free and fair trade.

The proliferation of nuclear weapons to terrorist and Third World countries is another pressing concern for this Congress. Recognizing all of the exciting, positive changes that have taken place over the past several years, especially regarding nuclear arms reductions, we must discourage China from continuing its missile proliferation practices to dangerous states. We are just beginning to understand the evolving new world order. Allowing China to jeopardize the new international stability could undermine all the positive changes that have taken place. Renewal of MFN status is linked to an end to China's alarming weapons proliferation practices.

Mr. Speaker, we are not being unreasonable in what we are asking. The United States

should not abandon its own democratic principles in any trade arrangement, especially one that does more harm than good. H.R. 5318 is a needed bill that I know a majority of my colleagues will support. Let us hope the President will heed our advice this time.

Mr. WOLPE. I rise today in strong support of H.R. 5318, the United States-China Act of 1992. We have been trying, year after year, to send a clear message to China. That message is that America will no longer tolerate continued human rights abuses in China, and that we are going to stop rewarding those who perpetrate such abuses.

This bill sends that message. Its passage is long overdue.

Mr. Speaker, it has been a few years now, but the images we all have of the freedom struggle in China remain vivid. We marveled at the striking sight of millions of people taking to the streets of China in peaceful protest. They were not throwing rocks. They were not throwing Molotov cocktails, they carried no weapons. They were armed with a simple and powerful message: the yearning for freedom is universal and ultimately irresistible.

Many of us—here and around the world—were inspired and made hopeful by those peaceful demonstrations. However, the signals sent by the demonstrators were too powerful for the Chinese leadership to tolerate. The Chinese regime engaged in one of the harshest, most violent, most immoral crackdowns that the world has seen in recent years.

Thousands of people are gunned down in cold blood in Tiananmen Square. We all saw that event, and we must not permit ourselves to forget it. We saw the tanks and the troops. And we saw the courage of one simple man who resolutely stood before a column of advancing tanks and refused to let them pass. We saw the bloody square.

That was in June 1989. Now here we are, in July 1992. It is tragic that some seem to have easily forgotten the brave people who did not throw a rock or fire a shot but were massacred anyway. Certainly the administration seems to have forgotten what happened that terrible day. Many of those who were thrown in prison 3 years ago—part of their crime was rallying around a model of our own Statue of Liberty—many of those people are still languishing in jail, or laboring as slaves.

Mr. Speaker, if we do not condition most-favored-nation status for China, we will be saying that we really don't care that much about human rights abuses in that nation. We will be sending a message to the rest of the world that we will reward the brutal suppression of democratic movements. We will be sending a message to our fellow Americans that that one brave and nameless man who stood before the tanks had more courage than the entire U.S. Congress.

I urge passage of this legislation so we can make clear to China, to the world, and to ourselves that America will not tolerate human rights abuses. America will not reward human rights abusers.

Mr. SMITH of New Jersey. Mr. Speaker, the administration has notified the Congress that it intends to renew most-favored-nation [MFN] treatment for the People's Republic of China because, as the President's Press Secretary noted last month, "a constructive policy of engagement with China has served United States interests."

Mr. Speaker, we must think clearly about the United States relationship with the People's Republic of China and weigh both our national interests and our Nation's ideals.

If the issues between the United States and China were merely the alarming rise in China's trade surplus, trade negotiations as usual would be entirely appropriate.

If the issue were protection for intellectual property, access to markets, and textile transshipments, we could engage in diplomacy as usual.

But the issue, Mr. Speaker, is human rights.

The People's Republic of China only makes progress in the area of trade and commercial relations because it recognizes it is in its interest to do so. China's leaders know that they owe a major portion of their economic growth to international trade. They know that smooth commercial ties with the United States and other trading nations actually extend the longevity of their tyranny, allowing the Chinese Communist Party to satisfy a share of the economic needs of the Chinese people while denying them political freedoms. China, in its economic development, is coming from so far behind that trade and limited market reforms allow the regime to deliver improved livelihoods without making the parallel political changes in the direction of freedom and democracy that are necessary to sustain economic growth.

China's apparent progress in trade and commercial relations and its dismal record in the area of human rights are thus part of a single, seamless policy aimed at continued Communist rule. Imagining that business as usual will somehow advance human rights in China is, I submit, wishful thinking. It has been reported, in this year alone, that:

The People's Republic of China Government keeps dissidents in prison without trial.

Communist puppet judges have convicted others for opposing Communist rule after closed trials.

China's leaders keep religious believers in prisons and labor camps, and the number of arrests has been growing in recent years. I am submitting for the record a list of those religionists whose cases have been raised by international human rights groups. How many others are in prison for their faith in God cannot be known.

Communist rule in Tibet means a dark night of oppression for the Tibetan people, especially those who try to sustain their religious beliefs.

China squeezes profit from the suffering of its prisoners in its gulag by exporting their products.

Chinese police beat individuals outside the United States Embassy in Beijing.

The rulers in Beijing denied visas to two of our colleagues in the Senate, and they refused to allow the entry of other human rights groups from Europe and Australia.

And, the Chinese authorities have temporarily detained foreign journalists, including Lena Sun from the Washington Post, in a transparent attempt to dissuade them from reporting the truth of Chinese repression.

The most grievous of China's systematic human rights abuses, however, remains its policy of forced abortion and sterilization in the name of population control. A recent report tabled in the Australian Senate—"Foreign Assistance to Coercive Family Planning in China," May 1992, tabled by Senator Brian Harradine—by a former senior research specialist on China at the United States Bureau of the Census, John Aird, has cataloged the continuation of coercion and repression in China's population program. The Chinese Government's denial of coercive family planning is as credible, Mr. Speaker, as its numbing repetition that the students at Tiananmen Square were dangerous counterrevolutionaries.

China has scant incentive to change its human rights policies while the American Government and American businesses continue to do business as usual with China. We must avoid giving the Chinese any signal that indicates that business as usual is more important than human rights. Standing for human rights may entail short-run risks if the Chinese Government decides to indulge its pique, but the long-run standing of the United States in the eyes of the Chinese people will be compromised if we do not stand for our values now.

MFN treatment for China demands conditions, and I urge my colleagues to join me in supporting H.R. 5318, the measure before the House.

I include a list of imprisoned or detained believers for the RECORD.

IMPRISONED OR DETAINED CATHOLIC AND PROTESTANT BELIEVERS IN THE PEOPLE'S REPUBLIC OF CHINA

CATHOLIC BELIEVERS

1. Bishop Song Weili: Age: 75. Bishop of Langfang diocese, Hebei Province. Arrested in late December 1990 or early January 1991. Reportedly held in reeducation center in Hebei Province.

2. Bishop Cosmas Shi Enxiang: Age: 71. Auxiliary Bishop of Yixian, Hebei. Reportedly arrested after mid-December 1990. Being held in reeducation center in Hebei Province.

3. Bishop Joseph Fan Zhongliang: Age 73. Jesuit Bishop in Shanghai. Subjected to interrogations for 18 months, Bishop Fan disappeared on June 10, 1991, his home was searched and all belongings, including furniture and books were confiscated by authorities. Released by Public Security Bureau August 19, 1991, but remains under surveillance and subject to frequent interrogation.

4. Bishop Peter Chen Jianzhang: Bishop of Baoding. Disappeared from residence in Xiefangying, Xushui County, in mid-December 1990. Being held against his will in "old age home" in Hebei Province. Currently confined to wheelchair and suffers from diabetes.

5. Bishop Paul Liu Shuhe: Age: 69. Second Bishop of Yixian, Hebei Province. Having been arrested and imprisoned on October 30, 1988, because of ill health his 3 year sentence was commuted to house arrest on January 16, 1989. Subsequently arrested on December 13 or 14, 1990, along with other Catholic leaders. Being held against his will in "old age home" in Hebei Province.

6. Bishop John Baptist Liang Xishing: Born in 1923. Bishop of Kaifeng Diocese, Henan Province. Arrested in October 1990. Under Police surveillance as of February 1991.

7. Bishop Vincent Huang Shoucheng: Bishop of Fu'an, Fujian. Arrested along with four deacons on July 27, 1990, in an unspecified location. Placed under village restriction in June 1991.

8. Bishop Philip Yang Libo: Age: 77. Bishop of Lanzhou, Gansu Province. Arrested in late December 1989, in Zhagye, Gansu. He is serving a three-year prison sentence in Lanzhou, having been administratively sentenced in mid-1990.

9. Bishop Bartholomew Yu Chengdi: Age: 72. Bishop of Hanzhong diocese, Shaanxi Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference, imprisoned in Xi'an Prison until July 1990. He "disappeared" from his residence in August 1991, and was held in re-education camp until November 1991. He is now restricted to his home village.

10. Bishop Mathias Lu Zhensheng: Born in 1919. Second Bishop of Tianshui, Gansu Province. Arrested in late December 1989, and sentenced to unknown prison term.

11. Bishop Guo Wenzhi: Born in 1918. Bishop of Harbin, Heilongjiang Province. Interned from 1954 to 1964, he was arrested in 1966 and served in a prison camp for "reform through labor" in Xinjiang Autonomous Region until his release in 1979. Again, Bishop Guo was arrested in December 1989 and was released in March 1990. Since that time, he has been restricted to his home village in Qiqihar and is under strict police surveillance.

12. Bishop Joseph Li Side: Bishop of Tianjin diocese. Arrested on December 8, 1989 and reportedly was tried in secret and sentenced to seven years in prison. Released June 7, 1991, he remains under strict police surveillance.

13. Bishop Jiang Liren: Bishop of Hohhot, Inner Mongolia. Date of his arrest in connection with Bishops' Conference is uncertain but may have occurred in November or December 1989. He is reported to have been released from prison in April 1990, but is confined to his home village where the authorities are subjecting him to character assassination.

14. Bishop Julius Jia Zhiguo: Born in 1935. Bishop of Zhengding, Hebei Province. Arrested in April 7, 1989, in Beijing and transferred to house arrest in his home village of Wuqiu in September 11, 1989, and served order restricting his movements for 3 years.

15. Bishop John Yang Shudao: Bishop of Fuzhou, Fujian Province. Arrested in February 1988, in Liushan village, Fujian Province. Released in February 1991, but remains under close surveillance.

16. Bishop Casimir Wang Milu: Born in 1939. Bishop of Tianshui diocese, Gansu Province. Arrested in April 1984, and sentenced in 1985 or 1986 to ten years of "reform through labor" and four years' forfeiture of political rights. Reportedly in a labor camp in Pingliang, Gansu. Due to be released April 5, 1994.

17. Bishop Hou Guoyang: From Sichuan Province. Arrested in early January 1990, in connection with the Bishops' Conference, and detained until early 1991. He is now under police surveillance in Chongqing City.

18. Bishop Liu Difen: Age: 75. Bishop of Anguo, Hebei Province. Arrested December 1990 for failure to affiliate with Catholic Patriotic Association. Authorities claim he is in "old people's home."

19. Father Han Dingxiang: Age: 55. Vicar General of Handan diocese, Hebei Province. Imprisoned from 1960 to 1979 for religious activities and beliefs and detained again in 1989. Arrested December 26, 1990, and now detained in an indoctrination camp in Handan with at least 20 other Catholics.

20. Father An Shi'en: Born in 1914. Vicar General of Daming diocese, Hebei Province. Arrested within days after December 26, 1990. Is currently detained in indoctrination camp in Handan.

21. Father Zhu Ruci: Chancellor of Xiapu. Arrested on July 27, 1990, during meeting on Church affairs at Luojiang Church in Fu'an city, Fujian Province, and is currently imprisoned.

22. Father Liu Guangpin: Priest of Fu'an, Fujian Province. Also arrested in July 1990, along with Father Zhu, and is currently imprisoned.

23. Father Zou Xijin: Priest of Fu'an, Fujian Province. Also arrested along with Father Zhu in July 1990, and is currently imprisoned.

24. Father Xu: Arrested in Fu'an on July 27, 1990. No news of his release from prison.

25. Father Zheng: Arrested in Fu'an on July 27, 1990. No news of his release from prison.

26. Father Zhu: Arrested in Fu'an on July 27, 1990. No news of his release from prison.

27–29. Fathers Guo. Three priests, all of the same name. Among the nine arrested in Fu'an Province on July 27, 1990. Released on bail for health reasons and confined to house arrests in their respective villages.

30. Father Mark Yuan Wenzai: Age: 69. Priest of Haimen, Jiangsu Province. After brief period of police detention, was placed under custody of local Catholic Patriotic Association bishop, Yu Chengcoi, in July 1990.

31. Father Wang Ruohan: Priest of Tianshu diocese, Gansu Province. Arrested in December 1989, and served one year of reform through labor, continues to have severe restrictions on movement.

32. Father Yu Chengxin: Priest of Hanzhong diocese, Shaanxi Province (brother of Bishop Bartholomew Yu Chengti). Imprisoned between mid-December 1989 and July 1990, in connection with Bishops' Conference. Reportedly "disappeared" from his residence in early August 1991. Supposedly released November 1991 but have been unable to confirm.

33. Father Zhang Xiacheng: Priest of Tianshui diocese, Gansu Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. Reportedly now imprisoned.

34. Father Sun Ximan: Priest of Tianshui diocese, Gansu Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. Reportedly now imprisoned.

35. Father Wei Jingyi: Age: mid-30s. Priest of Qiqihar, Heilongjiang Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. In March 1991, was sentenced to 3 years' "re-education through labor."

36. Father Pei Guojun: Priest of Yixian diocese, Hebei Province. Arrested between mid-December 1989 and mid-January 1990, in connection with Bishops' Conference. Reportedly now imprisoned.

37. Father Anthony Zhang Gangyi: Age: 84. Priest of Sanyuan diocese, Shaanxi Province. Imprisoned several times for a total of 30 years between 1949 and the present. Arrested on December 11, 1989, in connection with underground episcopal conference; released, and rearrested on December 28, 1989. Released on June 6, 1990, because of his health, but now under travel restrictions.

38. Father Su Zhemin: Age: 60. Vicar General, Baoding diocese, Hebei Province. Arrested in December 17, 1989, because of his role in helping establish an independent episcopal conference in Shaanxi Province in November 1989. Sentenced on May 21, 1990, to three years "reform through labor," served at a labor farm near Tangshan, Hebei Province, and later was moved to another labor camp.

39. Father Shi Wande: Priest of Baoding diocese, Hebei Province. Arrested on December 9, 1989, in Xushui (southwest of Beijing), now reportedly in prison.

40. Father Pei Zhenping: Priest of Youtong village, Luancheng County, Shijiazhuang, Hebei Province. Arrested on October 12, 1989, now reportedly in prison.

41. Father Xiao Shixiang: Age: 58. Trappist priest of Yixian diocese. Arrested on October 20, 1989, later released but re-arrested December 12, 1991, after leading a retreat in Dingxian.

42. Father Pei Ronggui: Age: 54. Trappist priest of Youtong village, near Shijiazhuang, Hebei Province. Officiated at Youtong village, where police went on a bloody rampage against the town's 1500 Catholics on April 18, 1989. Reportedly arrested in Beijing on September 3, 1989, and reportedly now imprisoned. According to an unconfirmed report, Father Pei has been sentenced to 5 years' in prison.

43. Father Feng Yongbing: Age: 35. Priest of Changle County, Fujian Province. Arrested on September 14, 1988. He has reportedly been released, but this has not been confirmed.

44. Father Wang Yiqi: Priest of Fujian Province. Reportedly arrested in Liushan village, Fujian Province on February 28, 1988. He has reportedly been released, but this has not been confirmed.

45. Father Li Fangchum: Priest of Guide diocese, Henan Province. Arrested in Early 1980's and still in prison.

46. Father Zhang Shentang: Priest from Nanyang diocese, Henan Province. Sentenced in early 1980s to 17 years in prison. Now restricted to village.

47. Father Zhu Baoyu: Priest from Nanyang diocese, Henan Province. In 1982, sentenced to 10 years imprisonment. Now restricted to village.

48. Father Joseph Chen Rongkui: Age: 28. Arrested December 14, 1990, at the Dingxian railroad station. Charges are unknown.

49. Father Paul Liu Shimin: Age: 32. Arrested December 14, 1990, in Xiefangying, Xushui County. Charges are unknown.

50. Father Peter Hu Duoer: Age: 32. Arrested by Public Security Bureau personnel on December 14, 1990, in Liangzhuang Village, Xushui County. Charges are unknown.

51. Father Ma Zhiyuan: Age: 28. Arrested December 13, 1991, in Houzhuang, Xushui County, Hebei Province. Reason for arrest is unknown.

52. Father Liu Heping: Age: 28. Arrested December 13, 1991, at home in Shizhu village, Dingxing County. Being held without trial.

53. Father Peter Cui Xingang: Age: 30. Priest in Donglu Village, Qingyuan County. Arrested July 28, 1991; current status is unknown.

54. Father Joseph Guo Fude: Age: 69. Member of Society of the Divine Word. Served 22 years in detention previously. Arrested Spring 1982. Reportedly under house arrest and/or strict police surveillance. Had been interned in labor camp in southern Shandong.

55. Father Li Zhongpei: Arrested December 3, 1990, sentenced to 3 years "re-education through labor." Serving term at Tangshan Reeducation-through-Labor Center in Hebei Province.

56. Father Liao Haiqing: Age: about 50. Priest of Jiangxi Province. Arrested November 19, 1981. As of 1988, interned in Prison No. 4, Nanchang, Jiangxi Province.

57. Father Fu Hezhou: Age: 68. Arrested and imprisoned November 19, 1981. Report-

edly has since been transferred to house arrest and/or strict police surveillance.

58. Father Lin Jiale: Imprisoned in Fuzhou, Fujian Province.

59. Father Liu Shizhong: Imprisoned in Fuzhou, Fujian Province.

60. Father Wang Jiansheng: Age: 40. Arrested May 19, 1991, sentenced to 3 years "re-education through labor." Charges unknown. As of March 1992, held at Xuanhua reeducation Center in Hebei.

61. Father Li Zhongpei: Arrested December 3, 1990. Charges unknown. Being held at Re-education Center in Tangshan, Hebei.

62. Father Gao Fangzhan: Age: 27. Yixian Diocese, Hebei Province. Arrested in May 1991, outside Shizhu Village in Dingxing County.

63. Li Yongfu: Layman from Tianjin diocese. Arrested between mid-December 1989 and mid-Janaury 1990, in connection with Bishops' Conference, and reportedly still in prison.

64. Wang Tianzhang: Deacon from Lanzhou diocese, Gansu Province. Arrested December 16, 1989, in connection with Bishops' Conference. Reportedly still in prison.

65. Wang Tongshang: Age: 56. Deacon and community leader in Baoding diocese Hebei Province. Arrested on December 23, 1990, and being held at Re-education Center in Chengde, Hebei.

66. Pei Shangchen: Community leader in Youtong village, Hebei Province. Arrested on October 23, 1989 and reportedly now in prison.

67. Pei Jieshu: Community leader in Youtong village, Hebei Province. Also arrested in October 1989 but reportedly has been released. No confirmation of his release has been received.

68. Chen Youping: Layman of Fujian Province. Arrested on March 1, 1988, in Liushan village. He is reportedly free now, but this has not been independently confirmed.

69. Wang Jingjing: Layman of Fujian Province. Reportedly arrested on February 28, 1988, in Liushan village and reportedly released, but this has not been confirmed.

70. Zhang Weiming: Catholic intellectual. Apprehended along with his wife, Hou Changyan, on December 14, 1990, and held without charge. After two months, Hou Changyan was released and told that her husband was being held for religious and political reasons. Expected to be released from prison December 15, 1992.

71. Zhang Dapeng: Layman from Baoding Hebei. Arrested in mid-December 1990, along with his wife, Zhang Zhongyne, who was released after 3 months but has not been permitted to return to her job. Reportedly detained without charge.

72. Zhang Youshen: Age: 65. Retired editor, Huadong Bu Di Yi Jiaopian Chang (Chemical Industry Department #1 Film Factory), Baoding, Hebei Province. Sentenced without trial on July 2, 1991, to 3-year term of "re-education through labor," for writing unpublished article "Criticism of Chinese Catholic Patriotic Association." Serving term at Hengshui Labor Camp in Hebei.

73. Zhang Guoyan. Son of Zhang Goushen. Administratively sentenced to 3 years of "re-education through labor."

PROTESTANT BELIEVERS

1. Liu Huanwen: Age: late 20s. Member of Beijing TSPM church. Sentenced without trial in November 1990 to two years "re-education through labor" for carrying a cross in the June 1989 Tiananmen Square demonstrations. Reportedly released in April 1992, but could not be independently confirmed.

2. Xu Guoxing: Born March 1955. House-church leader in Shanghai. Arrested in Shanghai for "illegally establishing Church of God of Shanghai," he was under intensive investigation from March to June 1989, but released without charge. Rearrested in November 1989, charged with forming illegal house churches in Shanghai, Jiangsu, Zhejiang, and Anhui Provinces. Serving a sentence of three years "reform through labor," in Dafeng, Jiangsu Province.

3. Xu Yongze: Age: 51. From Nanyang, Zhenping County, Henan Province. House church leader. Arrested on April 16, 1988, in Yuetan Park in Beijing, where he was attempting to attend a service led by American evangelist Billy Graham, by officials of the Ministry of State Security. Sentenced to three years imprisonment and released in May 1991. He has since been under close surveillance.

4. Song Yude: Age: 39. Pastor from Baimaio village, Yuehe District, Tongbo County, Henan Province. Arrested on July 16, 1984, for "counter-revolutionary" crimes in connection with his refusal to join the TSPM. Tried and convicted in January 1986, for distributing "reactionary" religious publications and conducting illegal religious meetings. Sentenced to eight years in prison and three years deprivation of political rights. While reportedly released in April 1992, it is believed Song still faces the deprivation of political rights.

5. Pei Zhongxun (Chun Chul): Age: 74. Protestant activist from Shanghai. Arrested in August 1983, and sentenced to 15 years in prison. He is reportedly in prison near Shanghai.

6. Sha Zhumei: Born in 1919. Member of independent Protestant church. Arrested at home in Shanghai on June 3, 1987, and reportedly beaten by police. She had previously served a six year sentence for her religious activities and alledgedly urged her son, a religious protestor sought by police, to leave Shanghai. Tried November 2, 1987, reportedly in secret, and convicted of "harboring a counter-revolutionary element." She is serving a five year prison sentence, and is in poor health.

7. Zhang Yonglian: House church leader from Fangcheng, Henan Province. Arrested and detained by Public Security Bureau in September 1990, for allegedly maintaining contact with international Christian organizations and receiving unauthorized religious literature from overseas. In late August 1991, sentenced to 3 years "reform through reeducation."

8. Xie Moshan (or Wushan): Age: in 70s. House church leader from Shanghai. Arrested April 24, 1992, after returning from Guangzhou. Charged with "illegal itinerant evangelizing." Imprisoned for religious reasons between 1956 and 1980. Detained on similar charges in 1984.

9. Lin Xiangao (Samuel Lamb): Age 67. Pastor of Damazhan house church in Guangzhou. Interrogated by Public Security Bureau officials March 23, 1992, about failure to register church. Church ransacked by PBS officials on March 24; interrogated again March 28 and ordered to register church which he has refused.

10. Chang Rhea-yu: Age: 54. Member of house church in Fujian Province. In May 1990, badly hurt when Public Security Bureau officials ransacked her home and confiscated Bibles and Christian literature. Detained August 25, 1990; charged March 27, 1991, with "inciting and propagating counter-revolution." Tried April 9–10, 1991, for holding illegal meetings; distributing seditious propaganda through cassette tapes; attacking the government, including action in Tiananmen Square; and corresponding with foreigners. Reportedly still in detention.

11. Yang Rongfu. Member of house church in Anhui Province. Reportedly arrested prior to June 1990 for unspecified reasons. Has been prevented from seeing his family.

12. Liu Quinglin. Age: 61. Evangelist from Zhalantun, Inner Mongolia. Arrested September 14, 1989; charged with evangelizing and "wide-scale superstitious healing activity." Sentenced to 3-years' "re-education through labor."

13. He Suolie. House church leader from Henan Province. Arrested and sentenced in 1985 to 8 years in prison for opposing Three Self Patriotic Movement.

14. Kang Manshuang. House church leader from Henan Province. Arrested and sentenced in 1985 to 5 years in prison for opposing Three Self Patriotic Movement. No confirmation of his release.

15. Du Zhangji. House church leader from Henan Province. Arrested and sentenced in 1985 to 4 years in prison for opposing Three Self Patriotic Movement. No confirmation of his release.

16. Mr. Bai. Elderly member of Little Flock house church from Ye County, Henan Province. Arrested in 1983; charged with belonging to Shouters, holding illegal religious meetings, and receiving foreign Christian literature. As of March 1987, thought to be held in Kaifeng, Henan.

17. Zhao Donghai. House church leader from Henan Province. Sentenced to 13 years' imprisonment in 1982 or 1983.

18. Wang Dabao: Arrested in Yingshang County, Anhui Province, after August 1991.

19. Yang Mingfen: Arrested in Yingshang County, Anhui Province, after August 1991.

20. Xu Hanrong: Arrested in Yingshang County, Anhui Province, after August 1991.

21. Fan Zhi: Arrested in Yingshang County, Anhui Province, after August 1991.

22. Zhang Guancun: Arrested in Funan County, Anhui Province, after August 1991.

23. Zeng Shaoying: Arrested in Funan County Anhui Province, after August 1991.

24. Leng Zhaoqing: Arrested in Funan County Anhui Province, after August 1991.

25. Mr. Dai: Bible distributor from Hubei Province. Arrested June 1991.

26. Li Jiayao: House church leader from Guangdong Province. Arrested September 25, 1990, and sentenced September 17, 1991, to 3 years "re-education through labor" for receiving and distributing Christian literature.

"The following house church lay leaders and elders were arrested and tried together in 1986. All were accused of: membership in an evangelical group outside the government-sanctioned TSPM; planning to overthrow China's proletarian-dictatorship and socialist system; linkage with overseas reactionary forces; receiving and distributing foreign materials; disturbing the social order; and disturbing and breaking up normal religious activities."

27. Mr. Wang Xincai: Age: 39. Evangelical leader from Zhangcun village, Fuling Brigade, Xinji Commune, Lushan County, Henan Province. Sentenced to 15 years in prison.

28. Mr. Zhang Yunpeng: Age: 68. Evangelical leader from Zhaozhuang village, Houying Brigade, Zhadian Commune, Lushan County, Henan Province. Sentenced to 14 years in prison.

29. Mr. Qui Zhenjun: Age: 57. Evangelical deacon from Xinji Commune, Lushan County, Henan Province. Length of sentence is unknown.

30. Mr. Cui Zhengshan: Age: 45. Evangelical elder from Lushan County, Henan Province. Length of sentence is unknown.

31. Mr. Xue Guiwen: Age: 38. Evangelical elder from Linzhuang Village, Xinhua Brigade, Zhangdian Commune, Lushan County, Henan Province. Length of sentence is unknown.

32. Mr. Wang Baoquan: Age: 67. Evangelical elder from Second Street, Chengguan Township, Lushan County, Henan Province. Length of sentence is unknown.

33. Mr. Geng Minxuan: Age: 66. Evangelical elder from Sunzhuang Village, Malon Commune, Lushan County, Henan Province. Length of sentence is unknown.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 5318, the United States-China Act of 1992. I commend my good friend and colleague the gentlewoman from California [Ms. PELOSI], for her outstanding leadership on this issue. Her relentless concern and determination have won the hearts of all who aspire for democracy and human rights in China and elsewhere. I also want to commend the gentleman from Ohio [Mr. PEASE] for helping to craft H.R. 5318. In addition, I want to commend the chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI and the ranking minority member, Mr. ARCHER for bringing this important measure to the floor today. I also want to thank the chairman of the subcommittee on trade, Mr. GIBBONS and the ranking minority member, Mr. CRANE, for their strong commitment to human rights and their support for this measure.

H.R. 5318 sets forth certain conditions that China has to meet within the next year so that it can continue to receive MFN status.

Mr. Speaker, the United States lost 80,000 men and women fighting Chinese communism in Korea and Vietnam. Those wars have not ended. As H.R. 5318 points out the Chinese still must provide an accounting of POW's and MIA's from those conflicts. We are also at war with the cheap goods that continue to flood our shores and put our workers on the unemployment line. We have 10 million people out of work. It is impossible for them to compete with the 16 to 20 million slave laborers, some of whom toil in prison because they stood up and peacefully protested for democracy. In 1991 the trade deficit with China was $13 billion. This year it will be $20 billion. It makes no sense for us to underwrite a Communist regime that has not changed its core Communist ideology since Mao Tse Tung took over some 43 years ago.

China has landbased ICBM's, some, no doubt pointed toward us. It has close to 100 submarines. It is purchasing a modern aircraft carrier from the Ukraine. What can we gain from supporting these programs? Even if some entrepreneurs in China's southern provinces went broke from revoking MFN—and they won't because this bill targets just state-owned enterprises—there is no argument that makes sense for us to help a Communist government become a larger menace than ever before.

There are Catholic clergy held in prison for 30 years in China. Let me repeat that: There are Catholic clergy held in China's prison, for 30 years. It does not bring dignity to this House to discuss the supposed economic effects on political pluralism, or the possibility of losing political leverage with a country that jails people for their religious beliefs. We should all be outraged and do everything possible to secure their release.

China sells very dangerous arms to Middle East tyrants, continues to send millions of Chinese settlers into Tibet in an effort to make the Tibetans a minority in their own land, and sells arms to the drug lords ruling Burma. The time to hold them accountable is now.

Accordingly, I urge my colleagues to support H.R. 5318.

Mr. LEHMAN of California. Mr. Speaker, I rise today to voice my strong support for H.R. 5318, the United States-China Act of 1992. I would like to congratulate the bill's author DON PEASE and my California colleague, NANCY PELOSI for their diligent work in formulating a well balanced measure which outlines conditions in granting most-favored-nation [MFN] status to China.

With H.R. 5318, the United States has the golden opportunity to send the message to China that the United States will no longer accept the unfair trading practices that have resulted in a $12.7 billion trade deficit. The Chinese Government has restricted entrance of American goods, while at the same time reaping the benefits of a generous trade policy in the United States. Our President has neglected working Americans by granting unconditional MFN status to China. We must correct this grave injustice by approving H.R. 5318.

H.R. 5318 would require China to relax stringent conditions placed on United States goods as one of many conditions for extending MFN status for 1993. Gaining access to markets abroad will make great strides in revitalizing the American economy. Our producers have been virtually shut out of China and we must send a strong signal to China that the United States is not going to tolerate unfair trading practices.

MFN is important to officials in China because without MFN status the Government would not be allowed to export products to the United States without paying a high tariff. The loss of revenue would deliver a devastating blow to the leaders in China. We must use this leverage and encourage the Chinese regime to correct the unfair trade practices and address human rights violations. H.R. 5318 will sound the alarm in China that humanitarian and economical reforms are essential if they want to continue to trade with the United States.

Mr. Speaker, H.R. 5318 is a well balanced and comprehensive approach that encourages the Chinese Government to reform an abuse-ridden system which not only exploits its own people but the people of the United States. H.R. 5318 is a bill which brings real change to China and jobs to this country. I urge my colleagues to join me in supporting this measure.

Mr. FAZIO. Mr. Speaker, it is highly unfortunate that we must continue to fight President Bush over granting most-favored-nation [MFN] status to China year after year. We continue to hear from the President that MFN is needed to promote political and economic liberalization in China. We hear from the President that MFN is needed to make progress in United States-China relations.

Yet, when one assesses where China is going, it is difficult to see exactly how the President's success in granting MFN status to China has helped.

China continues to suppress the people of Tibet through religious persecution and political suppression. Its human rights record has improved little if at all.

Just today, we learned that the Intermediate People's Court sentenced a former Communist Party official to 7 years in prison for being too soft on the Tiananmen Square democracy movement. Mr. Speaker, it has been 3 years since the tragic massacre of pro-democracy students in Tiananmen Square. In each of these 3 years, President Bush has been successful in extending MFN treatment to China. Yet, the Chinese Government is still prosecuting people for their alleged involvement in this demonstration.

Is this the progress the President wants to continue?

This past May, China exploded a high-yield nuclear warhead in an underground test. Reportedly, China has sent guided missile technology to Pakistan, chemicals for solid fuel rockets to Syria, and has over 1 billion dollars' worth of missile contracts with Iran, Syria, Pakistan, and other countries in the Middle East. All of these activities are in violation of the Nuclear Non-Proliferation Treaty and the Missile Technology Control Regime both of which China has agreed to abide by.

Is this the progress the President wants to continue?

Finally, Mr. Speaker, we continue to hear from proponents of MFN status that cutting off MFN benefits to China will hurt our own economic interests. Let's look at the facts. In 1991, China's trade surplus with the United States reached $12.7 billion. It is expected to increase to $20 billion this year. This success has been achieved through the illegal use of prison labor and the pirating of products copyrighted and patented in the United States. These and other unfair trade practices in China are costing the United States nearly $25 billion in exports annually and over 400,000 jobs.

Is this the progress the President wants to continue?

Today, Mr. Speaker, we have an opportunity to send a message to China that MFN status is not a one-way street. We can demand real progress on all of these issues before we reward China with MFN status.

We have compromised in this bill. We have eased the conditions that China must meet. We have eased the revoking of MFN status to apply only to state-owned enterprises. In H.R. 5318, we continue MFN status for 1992, but require China to meet certain conditions to receive MFN status in 1993.

H.R. 5318 is a balanced bill. It requires China to become an equal partner with the United States in bringing about real progress in economic and political reforms. I strongly urge my colleagues to support this important legislation.

Mr. YATRON. Mr. Speaker, I rise in favor of H.R. 5318, the United States-China Act of 1992. I was disappointed that the President extended most-favored-nation trade status to China for another year and the third since the 1989 Tiananmen Square massacre. Clearly, the human rights situation in China has not improved in any discernible way and, in fact, may be worse than we thought after the 1989 crackdown on democracy demonstrators.

I know many of my colleagues have received a copy of the recent report from Asia

Watch concerning the crackdown on the 1989 Pro-democracy movement in Hunan Province. One thousand activists and demonstrators were detained in Hunan after June 4, and approximately 500 remain in prison. Previously, no more than a dozen prodemocracy activists were known to have been imprisoned after the crackdown in Hunan. This information paints a much graver picture of repression in the provinces and indicates that many more people may be imprisoned or in labor camps because of their involvement in prodemocracy activities nationwide.

The Chinese have not been forthcoming on several issues they have committed to in the past. By providing only scant information the Chinese accounted for a list of political prisoners jailed nationwide after June 4, Secretary Baker was promised in November that China would grant visas to about 20 dissidents who wanted to leave the country, yet only 3 have been permitted to leave, and China vowed to improve trade opportunities for United States companies, yet the United States deficit grows larger every year and the USTR recently threatened to institute trade action if China does not remove specific trade barriers to United States exports.

Today, Mr. Bao Tong, the most senior official arrested in connection with the 1989 democracy demonstrations and adviser to former General Secretary Zhao Ziyang, received a sentence of 9 years imprisonment plus 2 years deprivation of political rights. Apparently the trial was held in secret, and his family was allowed to attend only for the reading of the verdict. The hardliners in China seem to have won another victory by handing down a harsh sentence to Bao who was not involved in the demonstrations but was guilty of being a reformer who argued for greater political and economic openness.

The President's policy to renew the waiver extending China's MFN status is based on the belief that engagement with China will result in democratic reform and promote human rights. Bao Tong's sentence is one of hundreds, possibly thousands, of cases where the administration's engagement with China has failed horribly.

The former assistant secretary for human rights has said that a pattern exists in China where "the foreign ministry makes a commitment and then someone else reneges on it." Clearly, the leverage the President is using with China amounts to no leverage at all. The Chinese know all too well that they don't have to honor their commitments, knowing that if they do, the President will look the other way and guarantee that they continue to receive most-favored-nation treatment.

I commend Congressman PEASE and Congresswoman PELOSI for introducing this bill and hope we, and more importantly the Senate, will come up with the two-thirds needed to prevent a Presidential veto.

Mrs. UNSOELD. Mr. Speaker, once again we are meeting to consider a measure to let the rulers in Beijing know there is a price to be paid for despotism, and once again the President has said that he will thwart our efforts with a veto. Three years after the blood of democracy advocates stained the ground of Tiananmen Square, 3 years after courageous men and women were imprisoned because they raised their voices in support of universal values, our President is still waiting for quiet persuasion to bring that crowd around.

Let us be honest here today—the President's approach has failed abysmally. It is time to use Beijing's huge trade imbalance as leverage, leverage to free political prisoners and to bring positive change in Chinese policies. H.R. 5318 is a responsible bill that meets the concerns of American businesses who have invested there. It reaches its target while preserving foreign investment and the foreign presence many argue fosters democratic ideals.

The dictators of Beijing have been laughing at America, confident that they can act with impunity and violate any principle while suffering no consequences so long as they have a friend in the White House. Congress has the ability to send them a message and end their laughter. Let them know we are ready to side with the men and women who had the courage to stand before tanks and speak out for freedom. Vote "yes" on Pelosi-Pease.

Mr. SKAGGS. Mr. Speaker, 3 years have passed, 3 years of President Bush conducting quiet diplomacy with the tyrants of Tiananmen, 3 years of so-called constructive engagement. Three years, and what do we have to show for it?

We've witnessed the systematic trampling of basic political and religious freedoms. We've seen persecuted dissidents, involuntary sterilizations, forced abortions, coerced prison labor, and the harassment of foreign journalists.

We've seen the Chinese Government carry out its largest underground nuclear test ever, a megaton blast 70 times more powerful than the bomb dropped on Hiroshima. We've seen Chinese missiles and nuclear technology flowing to terrorists nations in violation of international nonproliferation agreements. We've seen United States trade deficit swell to almost $20 billion—a deficit second only to Japan—fostered not by superior products, but by unfair and often immoral trade practices.

Why is it that President Bush can't see what's crystal clear? The fact of the matter is, economic liberalization has not brought political reform.

Supporters of the Pease-Pelosi bill, to put conditions on China's most-favored-nation [MFN] status, don't want to hamper entrepreneurial forces in China. This bill removes one of the President's major objections to earlier legislation, by imposing sanctions only against the products of state-owned business in China. Goods from foreign joint ventures and other private enterprises that are the base of Chinese economic reforms would not be affected.

Mr. Speaker, 3 years is too long to wait for progress on human rights, arms control, and fair trade in China. China's rulers and the Bush administration have both been stringing us along with false promises for far too long. I strongly urge my colleagues to support H.R. 5318. No more giveaways. Let's make China earn their MFN status once and for all.

Mr. CHANDLER. Mr. Speaker, I rise in support of H.R. 5318, which places limited conditions on the granting of most-favored-nation status for China. The United States' granting of most-favored-nation status to China has provided a sound framework for significant expansion of our economic and commercial relations.

In 1991, total bilateral trade between the United States and our trading partners exceeded $25 billion. China was our fastest growing export market in Asia in 1991 as United States exports totaled $6.3 billion, an increase of 30 percent from 1990. This level of U.S. exports sustained 100,000 American jobs. In my home State of Washington, where one in five jobs is dependent upon trade, I am particularly aware of the positive impact China's trade has on our State's economic growth and job creation.

On example is the Boeing Co. China is a large and growing market for the thousands of Boeing employees who live in the Puget Sound area of Washington State. Currently, China has firm orders and options for Boeing aircraft valued at $4.6 billion. Between 1992 and 2010, China's requirement for commercial airplanes is estimated to be between $25 billion and $35 billion, making it potentially the fourth largest market in commercial airplanes.

I recognize that MFN status is considered normal trading practices, and the United States extends MFN status to all but a handful of countries. Still, I have strong concerns about the deteriorated human rights situation in China.

It's been 3 years since the Tiananmen Square massacre, and while the U.S. policy has not changed, grievous human rights abuses and weapons proliferation continue. Simply stated, there has been no significant improvement in the Chinese Government's human rights record. Recent incidents, including the diplomatic mistreatment of Secretary Baker and the harassment and detaining of a United States reporter in Beijing, are further evidence of China's human rights problem.

Additionally, it was recently reported that China detonated the largest underground nuclear test it has ever conducted. The test had 70 times the explosive power of the atomic bomb dropped on Hiroshima and far exceeded the 150-kiloton limit observed by the United States and the former Soviet Union under a 1990 treaty. While we have a tremendous amount at stake in our trade relations, so does China. China's future does not lie in isolationism and communism, but rather in democratic reform and open ties with the West. The process of democratization is going to continue to grow strength in China, as it did in Eastern Europe and the former Soviet Union.

We should take steps that accelerate the emergence of democracy in China. We should adopt H.R. 5318 and place limited conditions on the granting of MFN to China.

Mr. LAROCCO. Mr. Speaker, on June 2, President Bush announced his intentions to renew most-favored-nation trading status for the People's Republic of China. The next day he granted China a waiver, thereby extending for another year its preferential trading partnership with the United States. For years now, our President has chosen to ignore China's egregious human rights record and history of weapons proliferation. For years, the President has turned his back on a terrible breech of international justice.

Put simply, Mr. Bush's sight has been rather selective. He sees only what he wants to see.

However, Congress has not been so myopic. Today we have the opportunity to condition the President's request. Today my distinguished colleagues will have the chance to give President Bush a wake up call.

I rise in strong support of H.R. 5318, Congressman PEASE's bill to condition China's 1993 MFN trade status on improvements in human rights, trade, and weapons proliferation. Last year this same body voted overwhelmingly to send a message to the leaders of the undemocratic Chinese regime. But disregarding the will of a clear majority in both houses, our President unfortunately again brandished his veto stamp.

Mr. Speaker, H.R. 5318 sets reasonable conditions upon further renewal of China's MFN status. It is a rational and prudent approach intended to eliminate the PRC's flagrant abuse of international human rights law. Since our debate on Congresswoman PELOSI's bill last year, no substantial improvements have been made. Peaceful protesters arrested during the Tiananmen Square massacre of 1989 still languish in prison. Many have not been formally charged, and others may have died or disappeared.

China's hunger for weapons of mass destruction is equally appalling. It has violated the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime, and continues to test nuclear weapons, despite its leaders' claims to the contrary. As for China's role in the international marketplace, the picture is no brighter. China's trade surplus with the United States reached $12.7 billion in 1991, and is expected to climb as high as $20 billion for 1992. At this rate, it is very possible that unless we act now, China may be able to build the economic strength to withstand international sanctions in the future.

The legislation we are considering today lays out a workable and realistic roadmap by which the PRC can maintain its trading partnership with the United States. My colleagues should be aware that H.R. 5318 would target only State-owned industries. It will not affect private enterprises or joint ventures which are helping to bring economic and political liberalization to China.

President Bush once said that American foreign policy has always been "more than simply an expression of American interests. It's an extension of American ideals." I wholeheartedly agree, which is why I urge my colleagues to join me in supporting H.R. 5318.

These conditions are fair. China must be held accountable for its actions, and the time to send a message is now.

Mr. SMITH of Florida. Mr. Speaker, I rise against extension for yet another year of most-favored-nation status for the People's Republic of China, as requested by the President. I am honored to join the vast majority of my colleagues on both sides of the aisle in letting the President know that he is plainly wrong.

The Berlin Wall collapsed 3 years ago, and down went the state-sanctioned terror and systematic persecution maintained for decades by the fearsome Stasi East German secret police. The West's focus on the Helsinki process, centered upon the unwavering insistence that human rights could not be compromised, pushed an entire East bloc toward freedom.

If we succeeded in bringing down the Berlin Wall, why do we so stubbornly work to sustain the Great Wall? We have all heard the reasons, and the few apologists for the Chinese regime will continue to defend the President's bankrupt policy as a farsighted attempt to bring China into the democratic community of nations. I remind my colleagues that the same approach failed to make Saddam Hussein a peace-loving promoter of human rights. A repetition of this policy toward China is not only doomed to fail—it already has failed.

We are faced with a simple choice: Trade with brutal dictators or uphold human rights. I think we should stick with what has worked in the past—to uphold human rights. The beneficiaries of our policies should be the victims of human rights abuses in both China and occupied Tibet, not the instigators of those abuses.

Three years after the massacre of prodemocracy activists at Tiananmen Square, the administration obstinately continues to defend the indefensible record of the Chinese Government. But reputable human rights organizations such as Amnesty International continue to document the appalling record that the Chinese have kept intact since the massacre at Tiananmen.

Chinese Government authorities admit to detaining hundreds of dissidents, but they fail to account for the thousands of political prisoners who still languish in their jails. Show trial after show trial results in arbitrary convictions for trumped up charges of counterrevolutionary propaganda and agitation or counterrevolutionary sabotage. Confessions are induced the old-fashioned Communist way: Through torture.

The Chinese Government's savage occupation of Tibet continues unabated. The statistics are fearsome: 218 pro-independence Tibetans have either been sentenced to prison or sent to receive reeducation through labor. The Chinese officially admit that 50,000 are sent to labor camps every year. Their legal system allows detention without trial or charge for up to 4 years. One of its victims is 75-year-old Father Francis Wang Yijun, the Vicar-General of Wenzhou diocese in Zheijiang Province. In 1990, he was sentenced to 3 years of reeducation through labor on the very day that his 8-year sentence as a prisoner of conscience ended. I wonder if the President's most-favored-nation gift will move the Chinese leadership to release Father Wang.

Ruthless religious persecution persists as well. Several Buddhist monks and nuns were detained in Lhasa, some for up to 3 years without trial. Five monks from the Toelung Dechen monastery were detained and reportedly beaten by state security officers for waving a nationalist flag. At least a dozen of the 60 Roman Catholics detained in mid-December 1990 in Hebei Province for peaceful religious activities are reportedly still held without charge. Members of independent Protestant groups in several provinces also were repeatedly arrested.

Some were less fortunate. Tibetan political prisoner Lhapka Tsering was reported to have died on December 15, 1990, due to lack of medical care. He had reportedly been beaten by prison guards shortly before his death.

There are no signs that the Chinese leadership plans to relent from this repression. In blatant disregard of congressional warnings on human rights abuses, the Chinese Government this May arrested more than 30 dissidents in Beijing—the most arrested since 1989.

We have every reason to believe that the Chinese will continue to use the fruits of their $15 billion trade surplus with the United States to buy arms from the former Soviet Republics and to sell dangerous weapons to their friends in Syria, South Africa, and Iran, among others.

Mr. Speaker, both President Bush and the Chinese Government need to understand that there can be no trade-off between human rights and trade. Congress' threat to revoke most favored nation—not the President negotiators—secured Chinese agreement to respect the intellectual property rights of United States manufacturers. Now let Congress' renewed threat to revoke most favored nation benefit the countless victims of human rights abuses by the Chinese government.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

The text of H.R. 5318 is as follows:

H.R. 5318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-China Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) United States policy toward the People's Republic of China should be designed to bring about reforms in the system of government of that country as it relates to human rights, nuclear proliferation, and distortion of trade;

(2) the use of economic measures will encourage such reforms; and

(3) increasing tariffs on imports produced by state-owned enterprises in the People's Republic of China is an appropriate response to acts, policies, and practices of the government of that country that deviate from internationally-accepted norms.

SEC. 3. ADDITIONAL OBJECTIVES WHICH THE GOVERNMENT OF CHINA MUST MEET IN ORDER TO RECEIVE NONDISCRIMINATORY TREATMENT.

(A) IN GENERAL.—The President may not recommend the continuation of a waiver in 1993 for a 12-month period under section 402(d) of the Trade Act of 1974 for the People's Republic of China unless the President reports in the document required to be submitted by such section that the government of that country—

(1) with respect to the violent repression of dissent in and around Tiananmen Square and in other parts of China on June 3 and 4, 1989, has provided an acceptable accounting of and released individuals who were accused, detained, sentenced, or imprisoned as a result of the nonviolent expression of their political beliefs; and

(2) has made overall significant progress in achieving the objectives outlined in the categories of—

(A) human rights, as described in subsection (b);

(B) trade, as described in subsection (c); and

(C) weapons proliferation, as described in subsection (d).

(b) HUMAN RIGHTS.—The human rights objectives described in this subsection are—

(1) taking appropriate action to prevent gross violations of internationally recognized human rights, including workers' rights, in the People's Republic of China and Tibet;

(2) preventing exports of products made by prisoners and detainees assigned to labor camps, prisons, detention centers, and other facilities holding detainees, and allowing United States officials and international humanitarian and intergovernmental organizations to inspect the places of detention suspected of producing export goods to ensure that appropriate steps have been taken and are in effect;

(3) terminating religious persecution in the People's Republic of China and Tibet, and releasing leaders and members of all religious groups detained, incarcerated, or under house arrest as a result of the expression of their religious beliefs;

(4) removing restrictions in the People's Republic of China and Tibet on freedom of the press and on broadcasts by the Voice of America;

(5) terminating the acts of intimidation and harassment of Chinese citizens in the United States, including the return and renewal of passports confiscated by authorities as retribution for prodemocracy activities;

(6) ensuring access of international human rights monitoring or humanitarian groups to prisoners, trials, and places of detention;

(7) ensuring freedom from torture and from inhumane prison conditions;

(8) terminating prohibitions on peaceful assembly and demonstration imposed after June 3, 1989;

(9) fulfilling its commitment to engage in high-level discussions on human rights issues; and

(10) adhering to the Joint Declaration on Hong Kong that was entered into between the United Kingdom and the People's Republic of China.

(c) TRADE.—The trade objectives described in this subsection are—

(1) providing adequate protection of United States patents, copyrights, and other intellectual property rights and implementing the provisions of the Memorandum of Understanding Between the Government of the People's Republic of China and the Government of the United States of America on vices or the materials and components for such devices.

SEC. 4. REPORT BY THE PRESIDENT.

(a) IN GENERAL.—If the President recommends in 1993 that the waiver referred to in section 3(a) be continued with respect to the People's Republic of China, the President shall include in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974 a report on the extent to which the Government of China has, during the period covered by the report, met the objectives described in section 3.

(b) CONTENTS.—The report required by subsection (a) shall also include, but not be limited to, descriptions of progress made in the People's Republic of China and Tibet with regard to—

(1) freedom from torture and inhumane prison conditions;

(2) freedom of speech, of the press, of association, of assembly, of procession, and of demonstration;

(3) freedom of religious belief and religious activities; and

(4) freedom of the individual from unlawful arrest, detention, search, or harassment.

SEC. 5. NONDISCRIMINATORY TREATMENT FOR PRODUCTS FROM NONSTATE-OWNED ENTERPRISES.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the occurrence of any circumstance described in subsection (b), nondiscriminatory treatment shall apply to any good that is produced, manufactured, marketed, or otherwise exported by a business, corporation, partnership, qualified foreign joint venture, or other person that is not a state-owned enterprise of the People's Republic of China. Such nondiscriminatory treatment shall be in effect for the period of time the waiver referred to in section 3(a) would have been effective had it taken effect.

(b) CIRCUMSTANCES.—Nondiscriminatory treatment as described in subsection (a) shall apply if—

(1) the President fails to request the waiver referred to in section 3(a), and reports to the Congress that such failure was a result of his inability to report that the People's Republic of China has met the objectives described in that section; or

(2) the President requests the waiver referred to in section 3(a), but a disapproval resolution described in subsection (c)(1) becomes law.

(c) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the objectives described in section 3 of the United States-China Act of 1992.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than subsections (b)(3) and (b)(4)) and 402(d)(2) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(d) DETERMINATION OF DUTY STATUS OF ENTERPRISES.—

(1) Subject to paragraph (2), the Secretary of the Treasury shall determine which businesses, corporations, partnerships, companies, or other persons are state-owned enterprises of the People's Republic of China for purposes of this Act and compile and maintain a list of such businesses, corporations, partnerships, companies, and persons.

(2) For purposes of making the determination required by paragraph (1), the following definitions apply:

(A) The term "state-owned enterprise of the People's Republic of China" means a business, corporation, partnership, company, or person affiliated with or owned, controlled, or subsidized by the government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by central or provincial government authorities. A business, corporation, partnership, company, or person shall be considered to be state-owned if—

(i) its assets are primarily owned by central or provincial government authorities;

(ii) a substantial proportion of its profits are required to be submitted to central or provincial government authorities;

(iii) its production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(iv) a license issued by the government authorities classifies the enterprise as state-owned.

Any business, corporation, partnership, company, or person that is a qualified foreign joint venture or is defined by such authorities as a collective or private enterprise shall not be considered to be state-owned.

(B) The term "foreign joint venture" means any business, corporation, partnership, company, or person—

(i) which is registered and licensed in the agency or department of the government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, or contractual joint venture; and

(ii) in which the foreign investor partner and the business, corporation, partnership, company, or person—

(I) combine their assets;

(II) share profits and losses; and

(III) jointly manage the venture.

(C) The term "qualified foreign joint venture" means a joint venture—

(i) in which the foreign investor partner holds or controls at least 33 percent of the investment;

(ii) in which the foreign investor partner is not a business, corporation, partnership, company, or other person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 to have repeatedly provided support for acts of international terrorism; and

(iii) which does not use state-owned enterprises of the People's Republic of China to export its goods or services.

(e) PETITION FOR CHANGE IN DUTY STATUS.—Any person who believes that a particular business, corporation, partnership, or company should be included on or excluded from the list compiled by the Secretary under subsection (d) may request that the Secretary review the status of the business, corporation, partnership, or company.

SEC. 6. DEFINITIONS.

For the purposes of this Act:

(1) ACTS OF INTIMIDATION AND HARASSMENT.—The term "acts of intimidation and harassment" in section 3(b)(5) means actions taken by the Government of the People's Republic of China that are intended to deter or interfere with, or to be in retaliation for, the nonviolent expression of political beliefs by Chinese citizens within the United States.

(2) DETAINED AND IMPRISONED.—The terms "detained" and "imprisoned" include, but are not limited to, incarceration in prisons, jails, labor reform camps, labor reeducation camps, and local police detention centers.

(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term "gross violations of internationally recognized human rights" in section 3(b)(1) includes, but is not limited to, torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(4) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(5) SIGNIFICANT PROGRESS.—(A) The term "significant progress" in section 3(a)(2) means the implementation of measures that will meaningfully reduce, or lead to the termination of, the practices identified in that paragraph.

(B) With respect to section 3(d)(1), progress may not be determined to be "significant progress" if the President determines that, on or after November 26, 1991, the People's Republic of China has transferred to Syria or Iran—

(i) ballistic missiles or missile launchers for the weapons systems known as the M–9 or the M–11; or

(ii) material, equipment, or technology which would contribute significantly to the manufacture of a nuclear explosive device.

COMMITTEE AMENDMENTS EN BLOC

The SPEAKER pro tempore. The Clerk will report the committee amendments en bloc.

The Clerk read as follows:

Committee amendments en bloc: Page 2, line 7, strike out "be designed to bring about" and insert "include among its primary objectives".

Page 5, line 6, strike "and".

Page 5, line 9, strike the period and insert "; and".

Page 5, between lines 9 and 17, insert the following:

(11) cooperating with the United States in efforts to obtain an acceptable accounting of United States military personnel who are listed as prisoners of war or missing in action as a result of their service in—

(A) the Korean conflict; or

(B) the Vietnam conflict.

Page 7, strike out line 3 and all that follows down through line 24 on page 7.

Page 8, line 11, strike out "5." and insert "4.".

Page 8, strike out lines 7, 8, 9, and 10 and "People's Republic of China." on line 11 and insert the following:

shall apply to any good that is produced or manufactured by a business, corporation, partnership, qualified joint venture, or other person that is not a state-owned enterprise of the People's Republic of China. Any such good that is marketed or otherwise exported by a state-owned enterprise of the People's Republic of China shall be ineligible for such nondiscriminatory treatment.

Page 11, strike out lines 12 through 16, inclusive, and insert the following:

Any business, corporation, partnership, company, or person that—

(I) is a qualified foreign joint venture or is defined by such authorities as a collective or private enterprise; or

(II) is wholly owned by a foreign business, corporation, company, or person,

shall not be considered to be state-owned.

Page 13, line 14, strike out "6." and insert "5.".

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Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the committee amendments en bloc be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 514, the previous question is ordered on the committee amendments en bloc.

The question is on the committee amendments en bloc.

The committee amendments en bloc were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ARCHER. Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ARCHER moves to recommit the bill, H.R. 5318, to the Committee on Ways and Means.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 62, not voting 33, as follows:

[Roll No. 286]

YEAS—339

Abercrombie	Clement	Fields
Ackerman	Coble	Fish
Alexander	Coleman (MO)	Flake
Allen	Coleman (TX)	Foglietta
Anderson	Collins (IL)	Ford (MI)
Andrews (ME)	Collins (MI)	Frank (MA)
Andrews (NJ)	Combest	Franks (CT)
Andrews (TX)	Condit	Frost
Annunzio	Cooper	Gallegly
Anthony	Costello	Gallo
Applegate	Cox (CA)	Gaydos
Aspin	Cox (IL)	Gejdenson
AuCoin	Coyne	Gekas
Bacchus	Cramer	Gephardt
Ballenger	Cunningham	Geren
Barnard	Dannemeyer	Gibbons
Barton	Darden	Gilchrest
Beilenson	de la Garza	Gillmor
Bennett	DeFazio	Gilman
Bentley	DeLauro	Glickman
Bereuter	Dellums	Gonzalez
Berman	Derrick	Goodling
Bevill	Dickinson	Gordon
Bilbray	Dicks	Green
Bilirakis	Dingell	Guarini
Blackwell	Dixon	Gunderson
Bliley	Donnelly	Hall (OH)
Boehlert	Dooley	Hamilton
Bonior	Dorgan (ND)	Harris
Borski	Dornan (CA)	Hayes (IL)
Boucher	Downey	Hayes (LA)
Brewster	Duncan	Hefley
Broomfield	Dwyer	Hefner
Browder	Dymally	Henry
Bruce	Early	Herger
Bryant	Eckart	Hertel
Bunning	Edwards (CA)	Hoagland
Burton	Edwards (OK)	Hobson
Bustamante	Edwards (TX)	Hochbrueckner
Byron	Emerson	Holloway
Camp	Engel	Hopkins
Cardin	English	Horn
Carper	Erdreich	Horton
Carr	Espy	Houghton
Chandler	Evans	Hoyer
Chapman	Fascell	Hubbard
Clay	Fazio	Huckaby
Hughes	Murtha	Serrano
Hunter	Nagle	Sharp
Hutto	Natcher	Shaw
Inhofe	Neal (MA)	Sikorski
Jacobs	Neal (NC)	Sisisky
James	Nowak	Skaggs
Jefferson	Oakar	Skeen
Jenkins	Oberstar	Skelton
Johnson (TX)	Obey	Slattery
Jones (NC)	Olin	Slaughter
Jontz	Olver	Smith (FL)
Kanjorski	Ortiz	Smith (NJ)
Kaptur	Orton	Smith (TX)
Kasich	Owens (NY)	Snowe
Kennedy	Pallone	Solarz
Kennelly	Panetta	Solomon
Kildee	Parker	Spence
Kleczka	Pastor	Spratt
Klug	Patterson	Staggers
Kostmayer	Paxon	Stallings
Kyl	Payne (NJ)	Stark
Lagomarsino	Payne (VA)	Stearns
Lancaster	Pease	Stokes
Lantos	Pelosi	Studds
LaRocco	Penny	Sundquist
Lehman (FL)	Petri	Swett
Lent	Pickle	Swift
Levin (MI)	Porter	Synar
Levine (CA)	Poshard	Tallon
Lewis (CA)	Price	Tanner
Lewis (FL)	Pursell	Tauzin
Lloyd	Quillen	Taylor (NC)
Long	Rahall	Thomas (GA)
Lowery (CA)	Ramstad	Thomas (WY)
Lowey (NY)	Rangel	Thornton
Luken	Ravenel	Torres
Machtley	Reed	Traficant
Manton	Regula	Traxler
Markey	Rhodes	Unsoeld
Martin	Richardson	Upton
Martinez	Ridge	Valentine
Mavroules	Riggs	Vander Jagt
Mazzoli	Rinaldo	Vento
McCollum	Ritter	Visclosky
McCurdy	Rogers	Volkmer
McDade	Rohrabacher	Walker
McGrath	Ros-Lehtinen	Walsh
McHugh	Rose	Washington
McMillan (NC)	Rostenkowski	Waters
McMillen (MD)	Roth	Waxman
McNulty	Rowland	Weber
Meyers	Roybal	Weiss
Mfume	Russo	Weldon
Miller (CA)	Sabo	Wheat
Miller (OH)	Sanders	Whitten
Miller (WA)	Sangmeister	Williams
Mineta	Santorum	Wilson
Mink	Sawyer	Wise
Moakley	Saxton	Wolf
Molinari	Schaefer	Wolpe
Mollohan	Scheuer	Wyden
Moody	Schiff	Yates
Moorhead	Schroeder	Yatron
Moran	Schulze	Young (FL)
Morella	Schumer	Zeliff
Murphy	Sensenbrenner	Zimmer

NAYS—62

Allard	Hammerschmidt	Nichols
Archer	Hancock	Nussle
Armey	Hansen	Oxley
Baker	Hastert	Packard
Barrett	Ireland	Peterson (MN)
Bateman	Johnson (CT)	Pickett
Boehner	Johnson (SD)	Roberts
Brooks	Kolbe	Roemer
Callahan	Kopetski	Sarpalius
Campbell (CA)	Laughlin	Shays
Clinger	Leach	Shuster
Crane	Lightfoot	Smith (IA)
DeLay	Livingston	Smith (OR)
Doolittle	Marlenee	Stenholm
Dreier	Matsui	Stump
Ewing	McCandless	Taylor (MS)
Fawell	McCrery	Thomas (CA)
Goss	McDermott	Vucanovich
Gradison	Michel	Wylie
Grandy	Montgomery	Young (AK)
Hall (TX)	Myers	

NOT VOTING—33

Atkins	Conyers	Feighan
Boxer	Coughlin	Ford (TN)
Brown	Davis	Gingrich
Campbell (CO)	Durbin	Hatcher

Hyde	Lipinski	Peterson (FL)
Johnston	McCloskey	Ray
Jones (GA)	McEwen	Roe
Kolter	Morrison	Roukema
LaFalce	Mrazek	Savage
Lehman (CA)	Owens (UT)	Torricelli
Lewis (GA)	Perkins	Towns

□ 1642

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5620, URGENT SUPPLEMENTAL APPROPRIATIONS, 1992

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102–672) on the bill (H.R. 5260) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MCDADE reserved all points of order on the bill.

WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2637) to withdraw lands for the Waste Isolation Pilot Plant, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with twenty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, with twenty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and with twenty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule. Each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 2637, it shall be in order to consider the bill S. 1671 in the House. It shall then be in order to move to strike out all after the enacting clause of S. 1671 and insert in lieu thereof the provisions of H.R. 2637 as passed by the House.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 494 is an open rule providing for consideration of H.R. 2637, a bill to withdraw lands for the waste isolation pilot plant. The rule provides for 1 hour of general debate, with 20 minutes equally divided and controlled by the chairman and ranking minority member of each of the three committees of jurisdiction: Interior and Insular Affairs, Armed Services, and Energy and Commerce.

The rule makes in order the text of an amendment in the nature of a substitute to be printed in the report accompanying the rule as an original bill for the purpose of amendment. The substitute will be considered by section, with each section considered as read.

The rule also provides a hookup with the Senate companion bill, S. 1671, making it in order to consider S. 1671 in the House if the House passes H.R. 2637. The rule makes in order a motion to strike all after the enacting clause of S. 1671 and insert the text of H.R. 2637 as passed by the House.

Finally the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2637 would clear the way for the opening of the waste isolation pilot plant or WIPP. WIPP is a Department of Energy facility constructed in New Mexico for the purposes of determining the feasibility of using the site for the permanent disposal of defense transuranic radioactive waste, a byproduct of our Nation's weapons program.

H.R. 2637 would permanently withdraw the 10,240 acre WIPP site from public use which would enable the Department of Energy to move ahead with the necessary testing to determine if the repository is a safe place to permanently store the radioactive transuranic waste that is presently stored above ground. The bill also establishes requirements for management plans to ensure that the test phase and any subsequent uses of the site by the Energy Department are environmentally sound.

Mr. Speaker, the United States has been generating radioactive waste in its national defense programs since the 1940's. At the present time approximately 1.1 million drums of plutonium-contaminated waste are stored in temporary storage facilites at 10 DOE sites around the country. One of these facilities, the Savannah River Site, is located in my district. SRS currently stores more than 141,000 cubic feet of contact-handled transuranic waste—the fourth largest concentration of this waste at any facility in this Nation.

As our Nation moves ahead with the consolidation of our nuclear weapons complex and the dismantling of nuclear weapons, we will have even larger quantities of radioactive waste to dispose of. It is time our Nation deals with the legacy of the nuclear weapons complex. Dealing with this legacy involves a permanent solution to the storage of waste generated by weapons production.

The WIPP facility is that solution. Completed in 1989 at a cost of $1 billion, the WIPP facility consists of 7 miles of underground storage rooms and tunnels. The subterranean vaults are excavated to a depth of 2,100 feet below the desert floor in a salt deposit nearly 3,000 feet thick.

The Department of Energy is ready to begin a 6-year test phase of WIPP. The test phase will involve only one-half of 1 percent of the total volume of waste planned for disposal at WIPP and will operate under other restrictions imposed by the Environmental Protection Agency.

Mr. Speaker, it is time that we clear the way for the Department of Energy to test this fully built repository. Temporary storage is not a viable long-term solution. House Resolution 494 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill

Mr. Speaker, I reserve the balance of my time.

□ 1650

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to, once again, heartily applaud the Committee on Interior and Insular Affairs, their chairman and ranking Republican member, for making it a perfect record in this Congress in their requests for open rules. It is a very unusual phenomenon around here. I support this rule and urge my colleagues to do so as well.

The Waste Isolation Pilot Plant Land Withdrawal Act: I have some concerns about the bill itself. But I would first like to commend the committees of jurisdiction for taking action on the Energy Department's request to provide

lands for the storage of low-level radioactive waste. The compliance language made in order by this rule is an improvement over the bill originally approved by the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce. It is my hope that through the amendment process additional improvements will be made.

For example, Mr. Speaker, the compromise language provides for the permanent land withdrawal that the administration was seeking. However, it sets up a procedural mechanism that may allow the State of New Mexico to terminate the land withdrawal and undermine the project. The bill also gives the EPA duplicative regulatory oversight responsibilities, but it does not stipulate a timeframe for the approval of various plans and activities. It is my hope that, as the process moves forward, we will provide the Department of Energy with the necessary regulatory flexibility without undermining States rights or compliance with strict environmental controls and standards.

Again, Mr. Speaker, I rise in strong support of this rule.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, if I understand the rule we have before us, it is an absolutely open rule, which means that any germane amendment to the bill would, in fact, be in order on the floor and be subject to debate under the bill.

Is that correct?

Mr. DREIER of California. Mr. Speaker, I think my friend is absolutely right, and he knows that because, frankly, he and his committee are one of the other very unique entities in this place that makes requests for an open rule.

Mr. WALKER. I just want to say to the gentleman that I think we learned a number of interesting things over the past couple of weeks about, for instance, where the majority party in the House stands on a variety of issues, and what occurs to me, for example, is that there are a number of authorizations in this bill that will at some point require appropriations, and those appropriations, it seems to me, could be subjected to the line-item veto that the Democratic Party told us that they were for at their convention and which their Presidential candidate has told them he is for, and so I think a germane amendment can be structured to this bill that will subject the various moneys under the bill to a line-item veto, should the appropriations be forthcoming, and it certainly would be my intention, if no one else wants to come forward to do it, to offer such an amendment, and with all of the support that has been expressed by the Speaker of the House, by Presidential candidate Clinton and others, it seems to me this is an amendment that should probably be passed overwhelmingly.

Mr. Speaker, I do appreciate the fact that we have an open rule that will allow such amendments to be made in order.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER], my friend, for his very beneficial contribution.

I should say to him that this issue, which has come up in the past week of a line-item veto with the support of the Democrat Presidential nominee, Clinton, and, certainly, President Bush's strong support and request for it since he was first elected President, is something that should be in order.

We have just tried, I should say to the gentleman from Pennsylvania, upstairs in the Committee on Rules to make in order an amendment to the Interior appropriations rule that would allow for the Solomon line-item veto proposal, to move forward there. Tragically, on a party line vote, it was defeated. Obviously, Mr. Clinton has not gotten the message through to his colleagues and compatriots on the Committee on Rules. I hope that at some point he does so that we can move ahead with the line-item veto.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, is the gentleman telling me that an opportunity to deal with the line-item veto on the floor on an appropriation bill was defeated in the Committee on Rules?

Mr. DREIER of California. Thirty minutes ago, upstairs in the Committee on Rules, we had a party line vote that had all of the Democrats opposing our opportunity to offer the line-item veto to the Interior appropriations bill and all the Republicans supporting it. So, I would hope very much that my colleagues on the other side of the aisle would, in fact, listen to the statement made by Mr. Clinton, as we have responded to the request of President Bush, in supporting line-item veto.

Mr. WALKER. If the gentleman would yield further, was there any explanation given as to why they would turn down the line-item veto that the Speaker said he is for?

Now he said he was for it next year; he is not for it now. I must admit the Speaker has said that he is not for it until sometime next year, and Mr. Clinton is evidently for it at some time in the future, which is unspecified, but it is included as a $10 billion savings item in his economic plan.

□ 1700

Was there any explanation given of why we cannot do it now up in the Committee on Rules?

Mr. DREIER of California. Mr. Speaker, reclaiming my time, I would say that there really was not an explanation given there. But it seems to me that the analysis that was just provided very well by the gentleman from Pennsylvania [Mr. WALKER] would be inferred by me as follows: Obviously, Mr. Clinton and Speaker FOLEY are concerned about spending, but they are concerned about next year's spending, and not this year's spending. They believe implementation of the line-item veto in the 103d Congress could deal with spending then, but we should not deal with the problem in the 102d Congress.

I would say that the only question that was raised on this issue came in fact by the manager of this rule, my friend, the gentleman from South Carolina [Mr. DERRICK], when we were first discussing this upstairs. The gentleman has the time. If the gentleman would like to provide any kind of response like the one given upstairs in the Committee on Rules, I would be happy to hear that from the gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that this crowd over here will have ample time after January 20, of next year to implement the Clinton program.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I want to commend the respective committees with jurisdiction over the waste isolation pilot plant for working diligently to bring this bill to the House floor. WIPP is important to the State of New Mexico and the Nation as a whole. Clearly, we need to begin to address the Nation's nuclear waste problem.

I want to thank you for working closely with me to address many health and safety concerns I have with respect to WIPP. The bill before the House contains many important environmental safeguards, many of which I passed as amendments during committee consideration.

First, the bill establishes several prerequisites to beginning the test phase with radioactive material including final issuance of the EPA radioactive waste disposal standards, Environmental Protection Agency [EPA] certification of compliance with the no-migration permit, EPA approval of the test and retrieval plans, and certification by the Department of Labor that the test rooms are stable and that the proper emergency response training programs have been established. If at any time during the test phase the State of New Mexico or EPA determines that DOE is not in compliance

with the required environmental standards, and DOE does not provide a sufficient remedial plan, DOE is required to retrieve the waste from WIPP.

Second, before any radioactive waste may be permanently disposed of in WIPP, EPA must certify that WIPP will comply with the Agency's radioactive waste disposal standards.

The bill also requires periodic certification that DOE is in compliance with such standards and other appropriate environmental regulations. Just as in the test phase, DOE will be required to retrieve the waste if it is not in compliance with the required environmental standards.

Third, the bill includes several additional environmental provisions I passed including the Nuclear Regulatory Commission's certification of the Trupact containers, a prohibition on the transport of waste from Los Alamos until the Santa Fe bypass has been constructed, and New Mexico review of the test and retrieval plans.

I am concerned, however, that the bill does not authorize any new appropriations for the purpose of impact assistance to the State of New Mexico. The State has worked hard to construct the WIPP facility so that it may help the Nation begin to permanently dispose of the enormous amounts of transuranic nuclear waste built up at our defense facilities. The State should be assured that ample funding will be made available to help construct safe highways and bypasses on which to transport radioactive material. Funding should also be made available to ensure that proper emergency response training takes place so that medical personnel are prepared for any nuclear accidents that may occur. Finally, such an enormous nuclear disposal facility will have a tremendous impact on the State and local communities for which general impact assistance funding should be made available. The Senate and two of the three House committees with jurisdiction over WIPP authorized additional funds for the purpose of impact assistance. The bill before the House, however, authorizes no additional funding. I hope this issue can be resolved in conference.

Finally, the bill has one major shortfall—it allows radioactive waste to be emplaced in WIPP before the facility has complied with EPA's radioactive waste disposal standards. Despite strong scientific evidence that the DOE's proposed test plan is seriously flawed, and the fact that all the required tests can be conducted in existing laboratories which provide for a controlled environment, the bill allows DOE to conduct tests with nuclear waste inside WIPP before it has been proven safe. The people of New Mexico should not be subjected to unnecessary health and safety risks by permitting the emplacement of radioactive waste in WIPP before the facility has been proven safe. At the appropriate time, I will be offering an amendment that requires EPA to certify that WIPP will comply with the disposal standards before any radioactive waste is allowed in WIPP.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN], a member of the Committee on Appropriations, who has worked for 15 years on this issue.

Mr. SKEEN. Mr. Speaker, I rise during this allotted time with a lot of emotional confusion because it has been 18 years since I first started working on this particular project which is located in my district.

Mr. Speaker, there is no such thing as "NIMBY," not in my backyard, when it comes to the acceptance and the responsibility of the district and the community, in my district, in which this plant will be located.

We have been subjected to a tremendous amount of debate, and I think that has been good. I want to commend not only the Committee on Rules for an open rule, but commend the three committee chairmen that were charged with handling this particular issue, the subcommittee chairmen, and my colleagues from the New Mexico delegation. Even though we have differences of opinion as to how this should be done, we have tried to work in an atmosphere of comity and respect for one another.

Mr. Speaker, I appreciate the differences we have, but I also appreciate the progress that we have made in getting this bill to the floor, because 46 years after the initiation of the Nuclear Age by this country, we are finally getting around to the largest vacuum in the whole system, and that is what are you going to do about permanent disposal of that waste. Either low level, high level, or whatever level, this Nation, as technologically adept as we are, has this void that we must take care of. This bill proposes to do exactly that, or at least it is a start.

Mr. Speaker, I want to commend those who have worked so hard and listened to our testimony, to our squabbling at times, but it has been good natured and I think in the interest of progress. Mr. Speaker, I say that this is a good bill. It gets this process under way. Let us vote it in.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support this rule, an open rule is easy to support, and I support the bill. We have a big EPA now. Fewer jobs, but I guess we need a few more regulations. My little amendment basically says that anybody getting any money under the bill abide by the Buy American Act. It is the law, you know.

Second of all, it has a little sense of the Congress in there, encouraging anyone who is the recipient of any award to try and buy American-made goods.

The reasons why I say this, I do not know if Members heard the news today, but the last manufacturer of typewriters in America, Smith-Corona, closed its doors, gave a 60-day notice, and is moving to Mexico.

□ 1710

So if you are the Member from Cortland, NY, you just lost about 1,000 jobs. Oh, they are going to maintain the corporate headquarters in New Canaan, CT, but they said it will cost $15 million for them to move to Mexico. But in the long run, it will be worth it because, the company spokesman said, with lower manufacturing costs, they could turn it around. But they said for a 100-year-old manufacturing plant in America, they just could not stay anymore because the competition is so great and the Japanese actually were thumbing their nose at the American laws dumping in their marketplace. They finally decided to leave because the American politicians in Washington were not willing to look at their problems. So they said the only thing they could do was leave, which means this now, and I am very happy for the gentleman from New Mexico [Mr. SKEEN], who worked very hard. I think he is a great Member and good luck in his pursuit in some jobs out there in helping our country as well. But let me say this to my colleagues, we do not manufacture a telephone. We do not manufacture a television, and now we will not manufacture typewriters.

I have been hearing about all this high-technology industry. We are going to replace these jobs with high-technology industry. What is more high-technology than the typewriter, the telephone, and the television, folks?

I do not like being a part of this Congress, and a lot of my colleagues are saying, "Fine, we would like you to leave." I know that. But let me tell my colleagues what, our Congress is sending companies with 100-year track records out of America because they cannot make it in America. It is not the worker. It is not the foreign competition being so much better.

Congress will not enforce our trade laws and, in fact, Congress is aiding and abetting these moves.

So my little amendment, and I hope that the chairman of the subcommittee and the ranking minority member would accept the amendment and there need not be a lot of debate.

Mr. DREIER of California. Mr. Speaker, I urge strong support of this unique phenomenon, an open rule. I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2637.

The Chair designates the gentleman from Washington [Mr. MCDERMOTT] as Chairman of the Committee of the Whole and requests the gentleman from California [Mr. TORRES] to assume the chair temporarily.

□ 1714

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2637) to withdraw lands for the waste isolation pilot plant, and for other purposes, with Mr. TORRES (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. TORRES). Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Pennsylvania [Mr. KOSTMAYER] will be recognized for 10 minutes; the gentleman from Arizona [Mr. RHODES] will be recognized for 10 minutes; the gentleman from South Carolina [Mr. SPRATT] will be recognized for 10 minutes; the gentleman from Arizona [Mr. KYL] will be recognized for 10 minutes; the gentleman from Indiana [Mr. SHARP] will be recognized for 10 minutes; and the gentleman from California [Mr. MOORHEAD] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2637 is legislation which will allow for the testing and the eventual operation and disposal of nuclear waste for the first time in the history of this country. This will be the first nuclear waste repository that will be constructed in the United States.

It will not be the recipient of commercial nuclear waste but only defense-generated nuclear waste. This waste, which has been generated for a very long time by the Department of Defense, is now located throughout the country at 10 separate sites. This legislation outlines the regulatory regime under which this material will be finally buried in New Mexico at a site about 25 miles southeast of Carlsbad, NM.

There is widespread agreement, Mr. Chairman, that the best manner in which to handle this material is in a geological formation. That is exactly what WIPP is, it is a geological formation, 2,150 feet below the ground. And that is where this material would go.

Mr. Chairman, the bill allows the Department of Energy to conduct a number of tests. We think that testing will take a period of 6, 7, maybe 8 years. And the purpose of these tests is to determine whether or not this particular site is suitable for the deposal of waste generated by the Department of Defense. That judgment has not yet been made, and it will not be made until the Department of Energy conducts these tests, each of which must first have the approval and the consent of the EPA before those tests are conducted.

A number of those tests will be conducted underground using a very small amount of the material for testing purposes. The bill restricts the amount which can be used to one-half of 1 percent, no more. The gentleman from New Mexico [Mr. RICHARDSON], as he has earlier indicated, will offer an amendment which I will oppose. The amendment would preclude any of these tests taking place underground. This is, I think, Mr. Chairman, a bad idea for two reasons. First of all, the only tests which can be conducted underground are not those which DOE wants to conduct but those which DOE wants to conduct and gets the approval and consent and permission of EPA to conduct.

Second, we may very well find information resulting from these underground tests which will be helpful. That very data may be very, very important. Let us not preclude the Department of Energy from seeking the approval of the Environmental Protection Agency to conduct a very limited number of tests underground.

The gentleman from New Mexico [Mr. RICHARDSON] cited in his remarks a report by the National Academy of Sciences which says that these tests are not necessary. He is quite correct. They have indicated that a number of tests that DOE wants to conduct are not necessary.

What they have not done is to indicate that all underground testing is unnecessary. Quite the contrary, they have given every indication that while several particular tests which DOE want to conduct are not necessary, others are.

If my colleagues vote for the Richardson amendment, essentially what they are doing is precluding the possibility of any underground testing. Keep in mind that the amount of material would be limited to one-half of 1 percent. I do not think we ought to reach that judgment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. RHODES. Mr. Chairman, I yield myself 5 minutes and 30 seconds.

Mr. Chairman, I am rising today in reluctant support of this substitute. My support is in the interest of completing House action on this bill and moving to a conference committee with the Senate.

I will say that this substitute is a vast improvement over legislation that was originally considered, and for that I want to thank the chairman of the Subcommittee on Health and the Environment and the committee staff for working to get us to the point where we can move forward into a conference.

The comparable WIPP legislation passed by the Senate is a more acceptable measure than the one which is before us, and I certainly look forward to working with Members on both sides of the aisle in this House and with the Senate to come up with a bill that we can agree to and which will allow this operation to proceed.

Let me just mention a few things that are contained in the substitute which I find to be objectionable. The first and major provision that I think is detrimental to carrying forward the program that we are talking about here, which is to provide for permanent underground storage of hazardous nuclear waste, is the issue of EPA oversight.

□ 1720

I believe that the oversight that is called for by the EPA is excessive and is overkill. It essentially establishes an EPA superstructure that is so pervasive as to create the very real opportunity for a regulatory gridlock.

My primary concern is that the prescriptive nature of the bill will result in unnecessary and chronic delays in the WIPP Program. The concept of allowing EPA to verify DOE's compliance with the permanent disposal standards at the end of the test phase is a good idea, and the bill calls for that. However, it seems unnecessary to have the EPA, which will be making the final determination as to whether DOE has complied with the standards, having people be involved at so many points along the way, approving such activities as individual test plans, deciding what waste is necessary for underground testing, approving a specific retrieval plan, and subjecting all of this to the Administrative Procedures Act.

It is particularly unnecessary when so many of those activities have been completed or already have procedures established for review by a range of outside groups, along with the EPA.

In the NMD, if the tests significantly exceed the scope of the test plan, DOE has to notify EPA and await additional approval of those tests.

A final concern regarding EPA oversight is that in provisions of the bill where EPA gives approval to various activities and plans in the bill, there is no mechanism requiring them to act within any specified time frame, thereby creating the almost inevitable probability of endless delays.

Second, EPA's 191–B standard must be issued before the test program can

begin and the standard must be issued in final form within 6 months of enactment. The timing of the promulgation of EPA disposal standards, commonly referred to as the 191–B standard, and the relation of issuing that standard to the start of the test phase of this program, does not make sense. It is important to point out that the standard will apply to a waste disposal facility like WIPP for the most part after it is decommissioned, and to a certain extent to the disposal phase.

My colleagues should understand that the test phase of the WIPP project is designed to generate data through experiments which will show, among other things, that when the facility closes permanently at the end of 25 years it will be able to comply with that standard.

The third point that I am concerned with is a requirement for approval of a WIPP retrieval plan which includes the requirement for a specific interim storage site for the waste if the WIPP site is deemed unsuitable and before the test phase could begin. This provision is of concern for the following reason:

We do not know what reasons there might be for retrieval, and those reasons may affect where the waste is sent for storage.

Second, in the no migration determination, EPA did not specify where the waste had to be disposed of. It said that DOE must have a schedule and location of the waste within 6 months.

Third, it is likely to set off a political firestorm, given the likelihood that no State which could be a possible candidate to store the waste would willingly cooperate.

Finally, the retrieval plan must be issued in the form of a final rule subject to the Administrative Procedures Act, which will make the plan susceptible to deliberate delay by lawsuit by clearly identified opponents to the project.

In conclusion, Mr. Chairman, let me just state that this program has been 12 years in the making. The plant is finished. It has been finished and ready for operation for just less than a year. It cost in excess of $1 billion to complete. Its operation costs $14 million per month. It costs $14 million per month, whether it is full or whether it is empty, whether it is operating or not operating, whether tests are being conducted or not being conducted.

Everybody knows that planning for and carrying out the permanent disposal of nuclear waste is now the highest priority in the nuclear program, be it defense or commercial energy. We must move forward with this. It is something that has been carefully thought out and carefully planned. We must test this facility to see if it will do what we believe it will do. It is time to move forward. It is costing the United States money not to act. We must act. We must be able to provide the assurances to our public that we can take care of this problem.

Mr. Chairman, I reserve the balance of my time.

Mr. KOSTMAYER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise in support of the compromise legislation on withdrawal of land for the WIPP facility.

As chairman of the Environment, Energy, and Natural Resources Subcommittee of the Government Operations Committee, I have been investigating the Department of Energy's activities at WIPP for over 5 years. My subcommittee held oversight hearings on WIPP in 1988, 1989, and 1991. And make no mistake, my oversight of WIPP is going to continue.

Throughout our oversight hearings, questions have been raised about the legitimacy of DOE's plans to conduct testing at WIPP with radioactive wastes in order to demonstrate that the facility can meet environmental standards and operate safely. At one time, DOE proposed to emplace as much as 15 percent of the total volume of waste for these tests. In short, the tests were a pretext for opening WIPP and resolving the severe transuranic waste storage problems DOE was experiencing as a result of the state of Idaho's refusal to accept more waste.

To its credit, DOE has largely abandoned these transparent efforts to open WIPP without meeting environmental standards, but serious questions remain about the scientific legitimacy of the DOE's testing program. As recently as June 17, the National Academy of Sciences issued a report severely criticizing the DOE's test plans. In one instance, the Academy panel found some of the planned dry bin experiments to have no discernible scientific basis. In another instance, the panel found that the DOE was placing too much emphasis, and spending too much money, on tests involving gas generation and not enough on geologic investigations.

As I will discuss in a moment, the President of the Academy—Dr. Frank Press—has tried to back-pedal on the panel's criticisms, but the NAS panel's findings are not new to me or to the members of my subcommittee. The record before my subcommittee indicates that DOE's efforts to conduct poorly conceived scientific tests in WIPP, which was simply not designed as a research laboratory, has cost the taxpayers hundreds of millions of dollars and has cost DOE years of delay.

And while I welcome the Academy's report, I question the objectivity and relationship with the DOE of the Academy and its officials. It cannot be coincidence that on June 22, the DOE Assistant Secretary for Environmental Restoration and Waste Management wrote to Dr. Frank Press, the president of the Academy, requesting that he write to the chairmen of the House Armed Services, Interior, and Energy and Commerce Committees by June 23 to clarify the findings of the recent NAS report. And on June 23, lo and behold, the president of the Academy wrote such a letter—a letter which conveniently fails to include in it's text any of the negative criticisms found either in the Academy's report or in letters sent by the NAS to DOE itself. The fact that the Secretary of Energy also wrote to the president of the Academy on June 22, also complaining that the panel's report was being misconstrued by the press, hardly makes Dr. Press's attentiveness to DOE more defensible.

The principal problem at DOE is that the Department has been, and continues to be, self-regulated. The Occupational Safety and Health Administration doesn't inspect its nuclear weapons factories. The Nuclear Regulatory Commission doesn't regulate its nuclear reactors. And until a few years ago, when the Federal courts ruled that DOE was subject to the Resource Conservation and Recovery Act, the Environmental Protection Agency wasn't allowed to regulate inside the fence at any DOE facilities. And all of the National Academy of Sciences reviews in the world are not going to substitute for independent regulation.

While this bill is not perfect, it does contain a fundamental change in the way DOE has operated WIPP and its other nuclear waste facilities. This bill will end DOE's self-regulation at WIPP and specifically require the Environmental Protection Agency to approve DOE's plans for testing waste in WIPP before those tests can begin. The bill will also require EPA to certify that WIPP complies with EPA's disposal standards after testing, but before wastes can be permanently disposed in WIPP.

We have tried to make sure that this new EPA role is not a rubberstamp for DOE. EPA is required to comply with the Administrative Procedure Act in making it's determinations concerning the test plan, the retrieval plan, and final DOE compliance with safety standards. These determinations, in turn, will be judicially reviewable. We also require EPA to publish its final disposal standards before testing can begin so that EPA has a firm, legally defensible basis for approving the test plans. The bill also provides funds to EPA to carry out these functions. And we will be overseeing EPA to make sure that they do so.

In addition to these checks and balances on DOE, I would have also preferred to limit the period of land withdrawal to that needed by DOE to conduct scientific tests as specified in both the Interior and Energy and Commerce Committee bills. This would have required Congress to act affirmatively before WIPP could open as a dis-

posal facility. The compromise gives Congress 180 days to review EPA's certification that WIPP will meet the EPA disposal standards, and DOE's compliance with other environmental requirements, before DOE can begin disposal. Although this is not what I would have preferred given DOE's record, this compromise nonetheless preserves the principle of a final congressional review before disposal is allowed.

The bill contains other checks and balances on DOE's activities at WIPP in terms of limits on the volume of waste that can be tested and other aspects of the operation and through its preservation of state regulatory authority. The bottom line, however, is that we are changing the way DOE does business by setting up the EPA as an independent regulator of this activity. As an oversight chairman with jurisdiction over EPA as well as DOE, I know that EPA is not a perfect agency. But without removing DOE's ability to regulate itself, I am convinced that DOE will continue to cut corners and manipulate the system to further its own institutional objectives to the detriment of the taxpayers, to scientific integrity, and to the need to find a permanent solution to the nuclear waste problem.

Finally, I want to comment on the Administration's unfair criticism of this compromise. On June 18, the administration issued a statement of administration policy criticizing the provisions of this legislation as passed by the Interior and Energy and Commerce Committees.

Specifically, the statement criticized provisions that it said would delay initiation of the WIPP test phase until EPA regulations have taken effect. The compromise bill addresses that concern by allowing the review process to proceed once the regulations are published in the Federal Register.

The statement criticized provisions that would require enactment of additional legislation before commencement of disposal activities could occur. The compromise bill addresses that concern, as I mentioned earlier, by granting a permant withdrawal with a 180-day congressional review.

The statement criticized the provisions requiring the Secretary of Interior to certify stability of underground rooms being used for testing. As I mentioned earlier, this is not a trivial issue since there is substantial evidence that the rooms are collapsing and that DOE has had to take a while set of new measures to keep the rooms open during the test period with results that remain questionable. The compromise bill addresses this concern by shifting responsibility from the Bureau of Mines to the Nation's mine safety organization—the Mine Safety and Health Administration.

And the administration statement criticized the Interior and Energy versions on two other completely trivial concerns. First, it criticized the provisions assigning responsibility for management of the withdrawal, such as grazing permits, to the Interior Department instead of DOE. Second, it criticized the limit on the amount of waste DOE can emplace during the test phase. The facts are that the Interior and Energy versions would codify the amount DOE originally requested that EPA approve in its no-migration variance and DOE will be lucky to get even that amount of waste into WIPP given the problems it is having with the test program. In the past year and a half, DOE has managed to fill only 5 test bins containing about 30 55-gallon drums' worth of waste—30 out of 4,259 drums that this bill allows DOE to put into WIPP. DOE simply will not need that even that much waste.

Despite these facts, the administration issued a new statement of administration position on June 23, criticizing the compromise bill. Even though its original concerns were addressed in several cases, the administration has found new bones to pick about the EPA standards and the ability of the State of New Mexico to exercise its authority under RCRA. And yes, they still don't like the Interior Department administering grazing permits or the limits on how much waste can be emplaced. And yes, the administration is threatening a veto if these changes are made.

As my colleagues know, I have some doubts about the way the Interior Department administers the Federal grazing program myself. And, we will discuss that issue later this week.

But the real objections that the administration has raised have been addressed and this body is once again being subjected to a threatened veto from the administration simply because that is the way it works with the Congress.

Mr. Chairman, I ask my colleagues to support the bill.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the waste isolation pilot project [WIPP], located approximately 30 miles east of Carlsbad, NM, in my district, is this Nation's only facility which offers the possibility of developing a permanent solution to dispose of defense generated transuranic waste. DOE has no other plans for the permanent disposal of this waste. Now Congress must make the commitment both in legislation and in the appropriation of Federal dollars, to open this facility.

This is clearly the time to act. We are nearing the conclusion of years of debate, discussion and compromise on the WIPP project. This premier research and storage facility in my district is scheduled to receive the first shipment of transuranic waste this year.

Over the last 10 years it has been difficult to pin down exactly what is to be required of DOE to ensure safe operations. Many suggestions have been made and agreements struck only to be greeted with skepticism, doubts, and additional expressions of new and even older concerns from interested parties.

For example, many have raised the concern that nuclear waste would be placed in some back rooms of the Carlsbad Caverns, when in fact, WIPP is over 30 miles from the caverns. Then it was claimed that by drilling into the salt beds brine seepage would flow from the walls creating rivers beneath the Earth, when in fact DOE must bring water from the surface to settle the flying dust. Recently, some have claimed that the walls and ceiling are falling, when the fact is we have been mining those salt beds for decades and the mining techniques of using rock bolts, shoring up walls and implementing protective netting will enable scientists to prove room stability.

With these issues resolved in this substitute, the most contentious issue is whether the legislation will contain the Richardson amendment which would prohibit DOE from placing any waste in the site for experimental purposes until part B of the EPA regulations have been complied with. More than any of the other requirements contained in this substitute, this stipulation presents the greatest obstacle to getting WIPP going.

EPA, the agreed-upon regulator for the test phase, the National Academy of Sciences, the blue ribbon panel, and Sandia National Laboratories support the testing of transuranic waste, in situ, as an essential component of the program to demonstrate compliance with the disposal standards. Because the primary purpose of experiments during the test phase is to obtain data to be used for DOE's compliance demonstration, the amendment would be impractical and halt the entire WIPP Program. It would put WIPP in a catch-22 situation. Waste is needed to demonstrate compliance, but the Richardson amendment would require compliance before waste can be emplaced at WIPP. How can DOE demonstrate compliance without any waste?

Other than the Richardson amendment, I am concerned that the substitute does not include the financial assistance that the State of New Mexico needs and deserves. I believe that New Mexico is clearly entitled to fair compensation. New Mexico is the host State. New Mexico will be impacted to a much greater extent than any other State. Many times more waste will travel more miles on noninterstate roads within New Mexico than all the other corridor States combined. New Mexico will clearly lose revenues by

the withdrawal of this land from any future mineral extraction.

Financial compensation to the State of New Mexico is needed for the purposes of mitigating and monitoring the economic, social, public health and safety, and environmental impacts on the State and on local governments arising from the establishment and operation of WIPP.

This impact compensation was not made up out of thin air. It is the direct reflection of the consultation and cooperation agreement reached between the State of New Mexico and DOE. In addition, economic assistance was included in the Interior and Insular Affairs Committee legislation at $300 million, up front, if WIPP turns out to be a suitable permanent repository. The Armed Services Committee legislation included $600 million on a per-barrel basis, and the Senate version of the bill included approximately $600 million for the life of the project. This level of assistance was based on very legitimate concerns that have been raised over the years.

Adequate compensation for New Mexico should not even be an issue, it is such an obvious requirement. But I will leave it up to conference to settle what has been left out of this substitute.

Some hold the opinion that WIPP should not open under any circumstances, no matter how safe this facility proves to be. This logic is simplistic and flawed because it assumes that by barring research leading to a permanent disposal plan or repository, this Nation's nuclear weapons programs and the operation of commercial nuclear generating plants will be forced to shut down.

It's my hope that these individuals will come to realize that the nuclear age is here to stay and the wastes already generated must be disposed of safely and permanently. It is the responsibility of the Federal Government to develop the technology for the permanent disposal of the waste now in high-risk temporary storage. It would be grossly negligent to halt or unnecessarily delay the pursuit of these solutions that are the object and mission of WIPP.

Let me expand a bit on the issue of responsibility. Congress and DOE have been remiss in addressing the nuclear waste issue. Congress has known for decades that disposal solutions and sites for nuclear waste must be developed. Yet here we are, 46 years after the first nuclear weapon was produced and we have no permanent waste disposal program in operation.

We must work constructively to see that DOE does comply with health and safety requirements before WIPP is designated a permanent repository. But we must also work to see that it actually happens and not spend our energy unnecessarily delaying the implementation of this vital project.

Congress has the ability to require DOE to follow the standards and conditions it deems necessary before WIPP can open. This should be accomplished in land withdrawal legislation and it should be done this year. Legislative land withdrawal does not nullify any safety requirements. If anything, it allows Congress to set the standards it considers necessary.

Do not be fooled: Nuclear waste can be acceptable under the right circumstances, and my constituents are saying to DOE you can put it "in our own back yard." WIPP has had the overwhelming support of my district ever since it was first conceived over 20 years ago, and that support has grown, not diminished. Therefore I support the House Armed Services amendment and any compromise that would ultimately open WIPP for a 5-year test phase.

To further delay the test phase will prevent DOE from resolving the growing waste storage problems at other DOE installations across this Nation. Therefore, I ask you to vote for the substitute introduced by the Interior and Insular Affairs Committee, Energy and Commerce Committee, and the Armed Services Committee's delicately crafted compromise.

□ 1730

Mr. KOSTMAYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MILLER], the chairman of the full Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I rise in strong support of H.R. 2637, the Waste Isolation Pilot Plant Land Withdrawal Act. I am very pleased that the three committees of jurisdiction, Interior, Armed Services, and Energy and Commerce, have come to agreement on WIPP legislation.

H.R. 2637 will permit the Department of Energy to open the WIPP nuclear waste disposal facility in New Mexico, provided that DOE complies fully with a series of stringent environmental requirements. Enactment of this legislation will help the United States find a solution to the problem of nuclear waste disposal.

WIPP was originally authorized by the Congress in 1979 as an unlicensed and unregulated experimental facility to demonstrate the disposal of nuclear waste generated by the military. At that time, the Congress rejected efforts made by the Carter administration and the Interior Committee to subject the WIPP facility to licensing and regulation.

Over the past decade the Department of Energy has spent approximately $1 billion to construct the WIPP facility on Bureau of Land Management property in southeastern New Mexico. Because the original WIPP legislation was not considered by the Interior Committee, it did not include the legislative land withdrawal provisions necessary to allow the WIPP facility to be operated. As a result, the Interior Department has transferred the WIPP property for the use of the Department of Energy through a series of temporary land withdrawals.

H.R. 2637 corrects these two fundamental flaws in the original WIPP legislation. The bill provides for a permanent legislative withdrawal of the BLM lands at WIPP and requires that the Environmental Protection Agency strictly regulate all aspects of the WIPP project to ensure protection of public health and safety and the environment.

H.R. 2637 includes the following requirements that apply to the test phase:

The test may begin only after EPA issues final disposal standards;

Waste tests may only occur at WIPP if the EPA determines that such tests are necessary to demonstrate compliance with permanent disposal standards;

There must be full compliance with the EPA no-migration variance and the EPA nuclear waste storage standards;

No more than one-half of 1 percent of the capacity of WIPP may be used for tests;

Prior to the test phase EPA must approve a waste retrieval plan and all waste must be retrieved in the event of noncompliance with environmental standards; and

The Mine Safety and Health Administration must certify that the underground rooms where tests will be conducted will be stable for the duration of the tests.

Before waste disposal may begin at WIPP EPA must determine that the facility has complied with the permanent disposal standards. In addition, WIPP may not open for disposal until 180 days after the Secretary of Energy notifies the Congress that all necessary permits have been acquired. This review period will give the Congress the ability to closely monitor the initiation of the disposal phase and, if necessary, enact legislation to correct problems.

Over the years the Department of Energy has opposed virtually every regulatory requirement included in H.R. 2637 on the grounds that it will unduly delay the WIPP test phase. Essentially, DOE would prefer to self-regulate the WIPP project. We cannot allow this to occur.

If there is anything that we can learn from the environmental nightmare that has been created over the past decades at the DOE weapons complex, it is that self-regulation is a prescription for an environmental disaster.

WIPP critics have supported the inclusion of regulatory hurdles in H.R. 2637 that could make it extremely difficult for WIPP to open. What the critics fail to acknowledge is that the waste that is designated to go to WIPP

is currently stored, unprotected, in warehouses all over the Nation. As a society, we must begin to rectify this situation.

Mr. Chairman, H.R. 2637 strikes a balance between the concerns of both proponents and critics of the WIPP project. It permits the WIPP project to go forward, provided that stringent environmental requirements are met.

I think that this, in some ways, reflects the best of when the committees in this House are able to work together on a problem that plagues this country and are able to resolve it in a satisfactory fashion.

I simply want to again thank all of the staffs and the members of these three committees for coming forward with this proposal.

Mr. KOSTMAYER. Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 7½ minutes.

Mr. Chairman, I rise in support of H.R. 2637, as amended and compromised and brought to the floor today.

The waste isolation pilot plant is designed to demonstrate the feasibility of disposing of transuranic waste, mostly plutonium waste or any waste that has been contaminated with radioactive substances having an atomic number greater than 238. All of this waste is a byproduct of the Nation's nuclear weapons program. It is military waste, and it is scattered today across 10 different States in above ground facilities that were never designed for permanent storage.

The State of Idaho has the most, 51 percent; Washington State ranks next; then New Mexico itself; South Carolina, my own State, has 141,000 cubic feet; Tennessee has 3 percent; Colorado has some; Nevada has some; Ohio has some; California and Illinois have some, all of it stored above ground in essentially temporary facilities. Ten States are affected by this bill.

This bill will not take us to the point where this waste can be collected and stored in this underground salt repository. Instead, this is the next step, and a vitally important step, toward proving that this repository is capable of receiving and storing over the long term this waste in this facility safely.

This facility is located in Eddy County, NM, on Federal land. Congress approved this project in 1979, 13 years ago. Since that time surface buildings and, more importantly, subsurface tunnels and caverns and other facilities have been constructed at a cost of over $700 million already incurred or sunk in this project.

If you add to that the operating expenses that have been incurred during this period of time, the total cost sunk in WIPP so far is $1.2 billion.

Now, to the great credit of the gentleman from New Mexico, whose district is the host of this facility, he is ready to go forward with the test, and so is the Governor of the State of New Mexico. They want to see if it can be proven that this facility is capable of receiving and storing this waste safely. And that is the purpose of this bill.

The immediate purpose of the bill is to withdraw from public use land that will allow this test phase to begin so that it can be determined if the facility is adequate for the purposes for which it is designed. If the facility—the underground repository—can be shown to comply with all applicable laws, and all regulations that the Environmental Protection Agency promulgates, then WIPP will be licensed to receive about 6 million cubic feet of transuranic waste.

This waste consists not of plutonium bars and metal, it consists of gloves, cutting oils and solvents, and sludges and tools, and sundry articles that have been contaminated by contact—mostly with particles of plutonium. It would be isolated in this WIPP facility 2,150 feet below the surface of the ground in an ancient salt bed so stable it has been in place for 250 million years.

These wastes are not themselves highly radioactive, but they represent, nevertheless, a significant threat to human health, because if even a minute quantity of plutonium gets lodged in your lungs or some other organ of your body, the alpha particles emitted from this minute quantity are very apt to create cancer.

□ 1740

So these wastes have to be isolated, and isolated for the infinite future because plutonium has a half-life of over 24,000 years.

As others have noted, three committees, Interior, Armed Services, Energy and Commerce, have shared jurisdiction over this legislation. Each of us reported a somewhat different piece of legislation. Over the last month we have come together. We have compromised and we have brought to the floor a common piece of legislation which we all support as is. We think it is a well-crafted compromise which should be reported and passed in the form in which we have brought it to the floor.

Each of the reported bills would have specified the procedures that have to take place before the testing at the WIPP facility can begin. The compromise agreement that we have settled upon firmly seats the Environmental Protection Agency in place as the primary regulator and overseer of this underground repository.

Let me quickly highlight the major regulatory protections that we now have in this bill.

First of all, the bill would require that final regulations be promulgated by the Environmental Protection Agency dealing with the disposal of radioactive waste prior to beginning of any testing whatsoever, that is, prior to the placement of any wastes in the WIPP facility.

Much has been made of the fact that the Department of Energy at one time wanted to begin underground testing with "hot" waste without clear guidance from the EPA as to what the final disposal standards might be.

The bill before us today requires that the EPA issue final disposal regulations before testing can begin.

Second, the bill requires the formal approval of EPA of the test plan, both the test program and the plan for the retrieval of waste, before any waste is emplaced temporarily in the facility for test purposes.

A report was issued recently by the National Research Council's Panel on WIPP, raising questions about the test plan. The DOE, the Department of Energy, will have to answer these questions and answer them to the satisfaction of the Environmental Protection Agency before testing can begin.

Finally, the Department of Energy would have to be able to retrieve, and would have to retrieve in fact, any waste emplaced at the WIPP facility for testing if the facility ultimately cannot be shown to comply with the regulations that the EPA issues. The DOE would prepare and the EPA would have to approve plans for retrieving the waste and the Department of Labor would be required to certify that the underground test rooms at WIPP are safe before any waste could be emplaced in the facility and the test program could actually start.

The EPA would be the ultimate arbiter in determining whether WIPP can qualify as a permanent disposal site for transuranic waste. As in the case of EPA approval of the test and retrieval plans, final approval of the WIPP site for permanent storage of disposed waste would be carried out under all the administrative procedures that apply to regulatory rulemaking, subject to review by the courts.

Mr. Chairman, we have come up with a very well-crafted compromise. All three committees have agreed in good faith to see that the final conference agreement will include some mechanism to ensure that the beginning of the test phase will not be held up by the delay in the issuance of regulations by more than 6 months.

I thank my colleagues for working diligently to achieve this compromise, and I urge the passage of this without amendments, and specifically without the Richardson amendment.

I understand Mr. RICHARDSON's concerns, but what he would effectively do is to deny the Department of Energy the opportunity to use this facility to carry out its tests using actual wastes; and as a result the Department presumably would have to develop laboratory conditions, scale models, simulated conditions in which to test the waste and the facility.

Now that we have spent $1.2 billion to build this facility, it seems only logical to use WIPP itself to determine whether or not WIPP can do what it was designed to do, that is, permanently dispose of and store transuranic wastes.

Mr. KYL. Mr. Chairman, I yield myself 5 minutes.

I want to start by complimenting my colleague, the gentleman from South Carolina [Mr. SPRATT] who in his concluding remarks touched upon what I think is the key issue here, because reasonable people can differ as to whether they should support or oppose the Energy and Commerce bill. I cannot support it on principle. I support the bill that came out of our own committee, the Armed Services Committee; but in any event, I think reasonable people cannot agree that the Richardson amendment would strengthen this bill, and in fact would generate a veto by the administration and would probably make it impossible for the conference to work out an acceptable bill. I will get back to that in just a moment.

I also want to compliment my colleague, the gentleman from New Mexico [Mr. SKEEN] who has worked very hard to reach a constructive settlement of this issue, a constructive effort to get a good bill, and to compliment my colleague, the gentleman from Arizona [Mr. RHODES] who pointed out a moment ago a lot of good reasons to oppose this bill, while nevertheless concluding that he at least would support it reluctantly in order to move it on to conference.

This bill, Mr. Chairman, paradoxically is an antienvironment bill. It is not a proenvironment bill, as touted by some who have spoken here.

Currently approximately 1.1 million barrels of nuclear waste sits above ground at defense sites across the country.

Mr. Chairman, long-term above ground storage of this very dangerous waste is dangerous and impractical. It makes sense to try to find a permanent repository for it as soon as possible.

Even if we never produce another nuclear weapon, the problem of what to do with nuclear waste will increase as we draw down the nuclear weapons in our stockpile.

Mr. Chairman, my concern is that the Energy and Commerce bill will delay dealing with the problem of what to do with this Nation's nuclear waste by burdening WIPP with a morass of bureaucratic reviews.

Let me just refer to some of these which the administration has indicated will be grounds for vetoing the bill. These are called the oversight superstructure. The EPA would have to promulgate disposal standards for radioactive waste and certify that DOE's test plan complies with those standards before any testing takes place at WIPP. No regulatory or other oversight group believes that these standards are necessary to begin the test phase at WIPP. Testing would be delayed at WIPP until the Department of Energy certified the safety of all test phase activities to be completed at WIPP. This requirement includes test activities that may not be completed for years or may never be needed at all.

The amount of waste that can be placed at WIPP is limited to one-half of 1 percent. This limitation may prevent the DOE from gathering necessary data to demonstrate that the WIPP facility can successfully dispose of radioactive waste.

The bill sets a 10-year limit for tests at WIPP to demonstrate suitability for disposing of radioactive waste, at which time WIPP must close. The National Academy of Sciences has already projected that experiment at WIPP may take 10 years or more.

The bill requires that the retrieval plan, which controls the retrieval of the waste in the event the facility is deemed unsuitable, must specify where the waste withdrawn from WIPP must go. But specifying the site for retrieved waste can only be made after reasons for retrieval are known. It is illogical to specify location in advance.

The facility is standing idle, at a cost of $14 million per month to the taxpayer, ready to begin operation and receive waste.

As written, this bill would guarantee that an unnecessary waste of the taxpayers' money will continue indefinitely.

The Senate has passed a WIPP land withdrawal bill, S. 1671, which is the preferred alternative and which is supported by the administration and the Nation's Governors who have an interest in this issue. Therefore, it seems to me that is the bill that we should be supporting out here today.

I said I would get back to the issue of the Richardson amendment, which frankly is the amendment which I think could end up killing this entire project.

Basically the Richardson amendment is a catch-22. It says you cannot store anything in this repository until you test, but you cannot test. What it says is that the way we find out whether storing in this repository will work is by never storing anything there at all. As the gentleman from South Carolina [Mr. SPRATT] pointed out, apparently DOE will be required to come up with some kind of theoretical or hypothetical kind of program that could theoretically tell us whether it will work. But I predict, Mr. Chairman, that after all that is done and it is demonstrated that it could work, then they will say, "Oh, but you haven't really tested it in place," precisely what we are urging be done.

So I would certainly urge by colleagues to oppose the Richardson amendment.

Waste is needed to demonstrate compliance. The Richardson amendment would require compliance before waste can be emplaced in WIPP.

As I said, the Department of Energy cannot demonstrate compliance without actually putting the waste in place.

The EPA supports the testing of transuranic waste as an essential component of the program to demonstrate compliance with disposal standards.

Public health and safety are protected by EPA standards in 40 CFR 191 subpart (a), which applies to the management and storing of transuranic waste.

WIPP has been certified to be in compliance with subpart (a) by the Defense Nuclear Facilities Safety Board, Congress' own safety review board for DOE facilities.

□ 1750

So, Mr. Chairman, I think it is clear that with the EPA's support, with those who have studied this issue, we do not need to have some kind of preliminary, theoretical kind of program in order to try to demonstrate this. We need to actually demonstrate it by putting the waste in site.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman for Idaho [Mr. LAROCCO].

Mr. LAROCCO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of H.R. 2637 and in strong opposition to the Richardson amendment.

I want to thank the Members in this Chamber who took the time to address this controversial issue. The chairmen and subcommittee chairmen of the Interior, Energy and Commerce, and Armed Services Committees have spent many hours and days on a workable compromise to permit the test phase of WIPP to move forward. They deserve our sincere thanks.

Thus, it is with respect and admiration for this compromise that I come to the floor today to oppose the Richardson amendment.

The Richardson amendment breaks this compromise. It derails WIPP by unnecessarily delaying the test phase. The chairmen responsible for the compromise recently wrote to House Members and urged them to oppose all amendments to the bill. I urge my colleagues to follow their lead.

The gentleman from New Mexico has raised some safety questions about the storage of nuclear waste in his State if not in his own district. I understand his concerns, as nuclear waste has long been stored in Idaho in an adjoining district. However, this legislation already addresses these concerns. Under the compromise plan offered today, before WIPP can move ahead, four things must happen:

First, the Environmental Protection Agency must provide oversight and issue final disposal standards;

Second, the EPA, must approve the test plan;

Third, the EPA must review the test activities, and

Fourth, the EPA must determine WIPP's compliance with environmental standards.

The compromise also protects the taxpayer. More than $1 billion have already been spent to develop the WIPP facility, and some $14 million per month is being spent to maintain it. Now it is time to begin the test phase.

Mr. Chairman, there is a lot of talk about gridlock in Congress. The compromise solution before us today suggests just the opposite. Three committees have hammered out a bill which deserves the full support of the House.

I urge my colleagues to support a solid compromise that responsibly deals with environmental and safety concerns.

I urge my colleagues to oppose the Richardson amendment.

Mr. KYL. Mr. Chairman, I yield 4 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the gentleman for yielding this time to me.

Mr. Chairman, I first want to begin by commending the Members, on both sides of the aisle, of the three committees of jurisdiction for moving this very difficult matter to the House floor for resolution.

I want to say also that I compliment the Committee on Rules for giving us an open rule on this particular bill. But I want to say that because the three committees of jurisdiction have recommended that issues be held, if not resolved here, to the conference committee, but I have decided not to offer amendments of my own.

But I want to make it very clear that there are issues that have to be very carefully considered, and I want to bring two of them to the attention of the House at this time.

The first is the issue of economic impact funds. Both bills, the current bill before us and the bill which has already passed the other body, contain economic impact funds for road transportation improvement, emergency medical preparedness, and many other projects for the State of New Mexico.

The difference is that the House bill contains less than 10 percent of the authorization found in the bill passed by the other body.

Now, the reason given for the lower, obviously much lower amount, goes something like this: Since the WIPP facility is in New Mexico and since there has been money spent on the WIPP facility, as has been demonstrated here, that is an economic positive impact and, therefore, New Mexico should not be entitled to any more compensation.

Well, if the WIPP facility were anything except a radioactive waste dump, I might agree with that. I have seen on the House floor Members struggle back and forth to get all kinds of Federal facilities located in their districts. However, I have never seen a struggle by any other State to have a nuclear waste repository placed in their State. There must be some reason, Mr. Chairman, why other States do not seem to want to have nuclear waste as much as they want to have other facilities in their districts.

Now, it seems to me that that speaks for itself as to why the State of New Mexico is entitled to the compensation that was set by the other body.

Second and finally, safety: I have heard the word "covenant" used recently in a governmental sense. Well, there has been a covenant between the Government of the United States and the State of New Mexico about the safety of the WIPP site. It was guaranteed that WIPP would be a safe facility in New Mexico, and that includes in the testing phase also.

Now, that means to me not only having a test phase which is scientifically based, but it means having a retrieval plan that guarantees what would happen to any waste that was brought for a test in the event the test showed that WIPP is not in fact a suitable location for transuranic waste storage.

In conclusion, Mr. Chairman, I am not asking for anything that I think other Members of this House would not ask for for their own States and would not demand for their own States if WIPP were located there.

Mr. SPRATT. Mr. Chairman, I yield my remaining 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, the waste isolation pilot was authorized by Congress in 1979, in response to the national need for long-term, safe methods for disposing of radioactive byproducts from our defense programs. We were wise in our foresight to provide for such a facility, given the nuclear waste disposal problem before us today. The WIPP facility is now ready for its first phase of testing. This legislation is the final step needed to bring 12 years of work to fruition.

Forty-five years of production of nuclear weapons has yielded a tremendous amount of radioactive waste. Throughout the United States there are many temporary storage sites for nuclear waste. These facilities were not built to become permanent repositories for this waste. These sites need to be cleared out and cleaned up. But if WIPP is not allowed to proceed with its testing, the reality is that they could become permanent disposal sites, and environmental hazards. Those communities that agreed to host a temporary storage facility did so with the understanding that the contents would be moved to an environmentally safe permanent storage site. Let us not let them down.

The legislation before us puts in place all the necessary compliance and oversight mechanisms to protect the surroundings. The EPA, the Nuclear Regulatory Commission, the Bureau of Land Management and the State of New Mexico have had a continual role in monitoring developments at WIPP. Strict regulations will be maintained throughout all the test phases and once the facility is fully operational.

I caution my colleagues against voting for amendments to this bill that would stall the testing phase any further. The time to act is now, my colleagues. Let us proceed with testing for the purpose of verifying that the facility is safe and alleviate the nuclear waste disposal problem facing us. A vote to open WIPP is a vote for the environment. I urge support of H.R. 2637.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, let me just state again that I firmly support the Committee on Armed Services' version of the bill. I do not believe that, on balance, the so-called compromise is a good bill. But clearly, this bill cannot go forward, and it will not be signed, if the Richardson amendment is adopted.

There have been several speakers who have agreed on this proposition that you cannot test the ability of these salt caverns to accept this kind of transuranic waste without actually putting a very small percentage, one-half of 1 percent of that waste, in those caverns for that testing purpose.

If you suggest that you have got to do the testing without actually putting the material there, as I said, after the period of testing is up, there will be those who say, "Well, you haven't actually tested it, and therefore we are still not going to allow you to store the material permanently in that particular site."

So, since that is what the Richardson amendment would result in, I urge all of my colleagues to oppose that amendment if they are going to support this bill going to conference, so that we actually can get a bill that the President will sign for the very important purpose of allowing this transuranic waste to be permanently stored in a safe and environmentally sound way.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] is recognized for 10 minutes.

Mr. SHARP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on behalf of the Committee on Energy and Commerce, I rise in strong support of the compromise WIPP bill, the waste isolation pilot plant bill.

Mr. Chairman, I believe the time has come to authorize DOE to begin testing at WIPP. However, I feel strongly that

DOE should not be allowed to put waste in WIPP—the Nation's first permanent repository for highly radioactive waste—without independent environmental regulation.

It is not news to Members of the House that the job of finding solutions for the permanent disposal of radioactive waste is one of the most difficult environmental dilemmas we face. For me, it is essential that DOE's WIPP program—as a flagship project—be managed in a manner that is beyond reproach. Like other DOE nuclear facilities, WIPP has a controversial history—and its success or failure will affect the Department's overall credibility. In particular, the public's view of WIPP will affect its confidence in DOE's characterization of Yucca Mountain for a high-level waste repository.

This compromise bill strikes a balance between DOE's primary objective—to begin testing transuranic waste at WIPP—and the need to ensure that the critical aspects of DOE's test phase are subject to independent regulation by the EPA.

Under this bill, DOE could begin testing only after meeting two key requirements. First, EPA's issuance of the final disposal regulations—the standards the test phase is designed to demonstrate WIPP can comply with; and second, a finding by EPA that DOE's test phase is necessary to prove such compliance during actual disposal.

Recent events remind us that the public will not have confidence in DOE's waste programs so long as DOE self-regulates in the area of environmental compliance. Controversy concerning a DOE official's possible attempt to influence an independent scientific report on WIPP illustrates the need for the independent regulation the compromise establishes.

As political entities, neither Congress nor DOE should be the final judge of safety or scientific inquiry at WIPP. While I am concerned with the potential for DOE to tamper with independent scientific reviews of WIPP, I am confident that EPA's role under this bill—and the opportunity provided for public comment and judicial review—will ensure that safety is not compromised and money is not wasted.

I want to thank Chairman DINGELL and my colleagues on the Armed Services Committee and the Interior Committee for their tremendous cooperation in developing this compromise legislation. It satisfies the need to allow testing at WIPP to go forward without cutting corners on environmental safety. I hope that DOE will recognize the value of these accomplishments and work with us in conference to enact this bill.

The CHAIRMAN. The gentleman from California [Mr. MOORHEAD] is recognized for 10 minutes.

Mr. MOORHEAD. Mr. Chairman, I yield myself 4 minutes.

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□ 1800

Mr. Chairman, I rise in opposition to H.R. 2637. Along with 13 of my Republican colleagues in the Energy and Commerce Committee, I oppose H.R. 2637 as reported by the Energy and Commerce Committee. While the version of H.R. 2736 that is under consideration today differs in some respects from the Energy and Commerce Committee bill, it still contains so many of the objectionable features of that bill that Energy Secretary Watkins has recommended that it be vetoed.

One of the features of H.R. 2736 to which we objected in committee was the fact that the bill imposed a drop-dead date for the certification that WIPP complies with the radioactive waste disposal standards. If the EPA Administrator has not certified, within 10 years after the date enactment, that WIPP complies with the disposal standards, then all waste must be retrieved from WIPP, and WIPP must be decommissioned. This drop-dead date applies no matter how promising WIPP may appear to be in 10 years, and no matter how long certain experiments to prove the feasibility of WIPP may take. Nor are long-term experiments outside the realm of possibility. In a letter report dated June 1992, the Commission on Geosciences, Environment and Resources of the National Research Council stated that a decade of testing or more may be required for meaningful results for tests.

If the remainder of this bill permitted DOE to begin expedited testing of WIPP, perhaps the 10-year drop-dead timetable would not be so objectionable. But this bill throws almost every conceivable delay in the way of DOE's testing of the suitability of WIPP. Section 6(b) of the bill sets forth no less than seven requirements that must be met before DOE may place even so much as a thimbleful of waste in WIPP for testing. Among these requirements are the issuance by EPA of final standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste. These standards were issued in 1985, only to be vacated by judicial action in 1987. Five years later they have yet to be reissued. While the bill requires that the standards be issued within 6 months after enactment, no one really knows whether EPA can meet such a timetable.

But the simple issuance of the disposal standards will not be enough for DOE to begin transporting waste to WIPP for testing. The bill requires EPA to review and approve DOE's test plan for WIPP. This approval must State that the test plan complies with the disposal standards, which, of course, have yet to be issued. Moreover, the approval by EPA of the test-plan must be through the informal rulemaking processes of the Administrative Procedures Act. While the bill gives EPA 90 days after receipt of the test plan to propose a rule approving the test plan, it should be obvious that EPA cannot find that a plan is in conformance with disposal standards until those disposal standards exist. And no one knows how long the rule approving the plan may take. Thus, the opening of WIPP, even for testing, is many months, possibly even years away, should this bill become law. Secretary Watkins will be faced with a Hobson's choice: Maintain the facility without waste for an indefinite period, which costs taxpayers $14 million a month; or mothball the facility until the disposal standards have been promulgated and the test plan approved by EPA, knowing that such mothballing will further delay the opening of WIPP. And Secretary Watkins gets to make this decision knowing that at the end of 10 years, the failure to get WIPP certified means that a legislative death penalty will be imposed.

Mr. Chairman, my time is limited and the defects in this bill are great. I hope that other colleagues can address other drawbacks to this bill. I recognize the need for land withdrawal legislation. Nevertheless, I urge my colleagues to reject this bill and to return with a more reasonable version of land withdrawal legislation.

Mr. SHARP. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, a lot of my colleagues have referred to the Richardson amendment. Let me just say who supports the Richardson amendment. The attorney general of New Mexico, the attorney general of Texas, every major environmental organization and, most importantly, the people of New Mexico. A majority of New Mexicans support my amendment; a majority of New Mexicans are very concerned about this facility.

The issue with WIPP is very simple: As we open the first DOE facility in 30 years, do we trust DOE to manage this facility with all safety, health and environmental oversight that is required? The answer is a resounding "no." Look at Fernald, Rocky Flats, Savannah River, Hanford, WA, and the Nevada test facilities, 20 DOE facilities around the country. While this bill is a good start, we need to tighten it up.

The second issue of this legislation relates to the responsibilities the rest of the country owes to the people and citizens of New Mexico, and the issue is: Are you going to stick us with an unsafe facility because there is such political pressure around the country in States like Idaho, 23 States, that have to get rid of this waste, open WIPP at all costs?

What about the people of New Mexico? We are becoming the garbage dump for the rest of the country. I will later offer an amendment with the gen-

tleman from New Mexico [Mr. SKEEN] to prevent high level nuclear waste coming into New Mexico on an Indian reservation.

Mr. Speaker, there is a responsibility here to the people of New Mexico. When Congress passed high level waste disposal for Nevada, the NRC regulates it. When Congress passed legislation governing the disposal of defense uranium, NRC regulates it. But when Congress passed legislation governing the disposal of TRU waste or mid-level nuclear waste, there is no NRC licensing. DOE wants to self-regulate itself.

Mr. Speaker, DOE has been desperate to open this facility since 1975, and since 1981 it has done everything possible to open the facility.

"Go ahead," they said, "despite technical problems; go ahead despite the courts of this land." Three courts in the last year have said DOE acted illegally. Mr. Speaker, DOE wanted to open this facility without going through the Congress administratively. That is what they wanted to do. It was the Committee on Interior and Insular Affairs under the gentleman from California [Mr. MILLER] that said no, that they have to follow the law. The Attorney General, and the people of New Mexico, and the gentleman from Pennsylvania [Mr. KOSTMAYER] and I sued DOE and said, "You cannot open this facility until you comply with standards and the Congress allows you to do that." DOE would have opened it anyway. They are desperate to open.

Yes, it is going to open. I recognize that. I recognize that somewhere a long time ago the people of New Mexico, the leaders, made a dumb decision. There are a lot of New Mexicans that do not want this facility. Does anybody here want a low-level nuclear waste facility?

Now I know my colleague, the gentleman from New Mexico [Mr. SKEEN], does. It is jobs, and I recognize that, and I respect his view, but I say to him, "There's a responsibility that others have to the people of New Mexico," and I am saying to him that this is a facility that has had problems. There have been problems with the brine reservoirs, with the roofs collapsing, stated by the National Academy of Science and other entities.

Others say, "Well, geez, we've spent so much money on this facility. Therefore let's open it." Well, let me say, Mr. Speaker, that we have a hundred billion dollars that we have to clean up at all these other DOE facilities because we have not applied strong, safe, healthy and environmental standards. Let us not make that mistake.

And for those that say, "Well, this is not Congressman RICHARDSON's facility," Mr. Speaker, all of the routes that go to WIPP go through my district. I have waste at Los Alamos in my district that goes to this facility. That is like saying that those that live near Boston Harbor, that the Congressman representing districts outside of Boston Harbor should not worry about Boston Harbor because it is not in their districts, or those outside of Los Angeles concerned about air in Los Angeles should not be concerned about that.

So, Mr. Speaker, I come to you, I come to my colleagues, on behalf of the people of New Mexico that are saying, "Don't open this facility until it's 100 percent safe."

Yes, we know we are going to be stuck with it. Yes, we know that is a national investment there. Yes, we know it is going to bring jobs. But DOE has been cutting corners for years, and they continue to cut corners, last week on oil and gas waste, and they continue to do this.

When my amendment comes up, I hope the House and my colleagues recognize that, if they vote for the Richardson amendment, they will be voting for the people of New Mexico and not everybody else that institutionally wants my amendment to go down.

Mr. Speaker, I am for WIPP, but for a safe WIPP. Prove WIPP is safe, then ship radioactive waste.

The first issue with this WIPP legislation is very simple.

As we open the first DOE facility in 30 years, do we trust DOE to manage this facility with all safety, health, and environmental oversight that is required?

The answer is a resounding "no". Those of you with facilities at Rocky Flats, Fernald, Savannah River, Hanford, Washington, Nevada test facilities. While this bill is a very good start, we need to tighten this bill up.

The second issue of this legislation relates to the responsibilities the rest of the country owes to the State and citizens of New Mexico. Are you going to stick us with an unsafe facility? Most people in New Mexico don't think you are giving us a great gift by dumping this waste, and this bill contains no funding. Nevada was promised millions. No dollars for New Mexico in this bill. We are becoming the garbage dump for the rest of the country. Most New Mexicans are against this facility. Most New Mexicans support my amendment. Congress owes it to the people of New Mexico.

When Congress passed disposal of high-level waste for people of Nevada the NRC regulates it.

When the Congress passed legislation governing the disposal of defense uranium, NRC regulates it.

But when Congress passed legislation governing the disposal of TRU waste or mid-level nuclear waste, there is no NRC licensing. We want the same as the people of Nevada.

Mr. Speaker, DOE has been committed to open this facility since 1975. Since 1981, it has been "Let's open WIPP at all costs;" even if it hasn't been ready. The people of New Mexico should not be subjected to unnecessary health and safety risks by permitting the emplacement of radioactive waste inside WIPP before it has been proven safe, because of political pressure from Congress.

Go ahead despite technical problems.

Go ahead despite the courts of this land. In fact, DOE tried to open this facility administratively. The courts three times said this was illegal, that they had to go through the Congress. Our Interior Committee canceled the administrative order by DOE.

For years, DOE has said go ahead despite a host of technical problems: Rocks cracking, ceilings collapsing; brine seepage and brine reservoir problems; numerous recommendations from the State watchdog agency ignored; presence of oil and gas leases on the site; and DOE's history of not paying attention to the National Academy of Science. Saying to EPA, NRC stay out—we can do it.

DOE BROKEN PROMISES

First, DOE promised in 1978 state a veto. Never happened.

Second, to comply with EPA provisions.

Third, transportation safety and emergency response.

Fourth, in 1981 DOE promised to help the State of New Mexico with funding for transportation upgrades. A portion of the dollars for upgrading highways finally came in 1987.

Fifth, DOE promised to help with appropriations for ceiling collapse problems. DOE wants nobody else to regulate them.

Sixth, dollars for emergency response and emergency training haven't complied with this.

Look at DOE's history: Every DOE facility has leaked; $100 billion to clean up the mess. Let's make sure EPA standards are met.

I have waste at Los Alamos, goes through my district.

A majority of New Mexicans are opposed to this facility.

A large majority of New Mexicans support compliance with EPA standards.

DOE MANAGEMENT

Paying overtime to people when permanent injunction is in effect; $10 million for TRUPACT continues but they can't use; and paying people to be on alert for 24 hours.

□ 1810

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. SHARP. Mr. Chairman, I yield 1 minute to the gentleman from Michigan.

The CHAIRMAN. the gentleman from Michigan [Mr. WOLPE] is recognized for 4 minutes.

Mr. WOLPE. Mr. Chairman, I rise in opposition to this bill. The waste isola-

tion pilot plant [WIPP] is designed to dispose of transuranic nuclear waste generated by our Nation's weapons program. It represents this Nation's first attempt to establish a permanent geologic repository for radioactive waste.

This bill authorizes the permanent withdrawal of WIPP from public use and allows DOE to place waste into the facility for testing and then permanent disposal. The conditions under which this facility is allowed to open is a test of the commitment of both DOE and Congress to health, safety and environmental protection at our Nation's weapons plants.

And, I would emphasize that the responsibility of Congress in this matter is of the utmost importance.

DOE's track record on WIPP, and the current status of the project, does not justify permanent land withdrawal or loading waste into the facility at this time.

In 1988, 1989, and 1991 DOE certified to Congress that it was ready to open WIPP. Yet, on each occasion Congress discovered serious problems—DOE's inability to validate the safety of its own facility because it couldn't locate the original design drawings; the contractor's failure to follow design specifications in constructing critical parts of the facility; and shipping casks that were rendered unusable due to contractor error. DOE has not been able to develop a scientifically supportable plan for the tests it claims must be conducted at WIPP, nor can it even tell us how much waste it needs for those tests. In 1988, DOE testified it needed 125,000 drums for tests. In 1991 that number was down to about 4,400 drums. Now, DOE's own science adviser, Sandia National Lab, says that only 144 drums are required for testing.

Over the past 5 years, congressional authority over withdrawal and replacement of waste has held DOE accountable on these matters and prevented a premature opening.

Now DOE is again seeking authority to open WIPP. Yet, safety analyses have not been performed for most of the so-called test program; the National Academy of Sciences and New Mexico's Environmental Evaluation Group have determined that DOE has not developed a scientifically justified or operationally viable plan for the emplacement of waste; and because of problems in characterizing the waste, DOE has only 3 or 4 bins—the equivalent of about 18 to 24 drums of waste—ready to be shipped to WIPP after 1½ years of effort. DOE's test phase is a sham and the National Academy of Sciences, the New Mexico Environmental Evaluation Group and DOE's own Sandia National Lab have now all but completely ridiculed the plan.

Given this background, there is no legitimate reason why this body should relinquish the leverage it has to ensure that DOE properly conducts its activities at WIPP and adopt a bill that gives DOE carte blanche to place waste in the facility without further congressional approval.

The bill vests EPA with a number of review and approval authorities, but that simply begs the question of why this institution is passing its oversight responsibilities to an executive branch agency.

Moreover, asking EPA to oversee DOE is like asking Bambi to ride herd over Godzilla. To date, EPA has been unable to hold DOE accountable for even the most blatant violations of environmental laws. Do we really believe that it will be able to keep DOE in line on this project?

The 45-year history of the weapons complex is a sordid one. Time after time, DOE and its predecessor agencies cut corners in an effort to resolve crises that were caused by their own mismanagement and political machinations. Invariably, with a wink and a nod, Congress acquiesced. More often than not, the result was an endless cycle of more mismanagement, more problems and more corner cutting.

Finally, in the late eighties the tragic and costly legacy of this gamesmanship was revealed to the public. The sight was not a pretty one: sites contaminated beyond repair; clean up costs that will top $100 billion; the full cost in terms of public health and environmental damage will never be known. Congress and the DOE resolved to mend their ways, and ensure that henceforth DOE would do things properly.

Yet, here we are today—confronted with the same old situation. DOE has failed to demonstrate that WIPP needs to be opened even temporarily for testing, much less permanently for disposal. To the extent there is a storage crisis, it is one that has been manufactured by the Department. There is ample capacity available throughout the DOE complex, but the Department wants to create a crisis because it longs for the symbolism of getting WIPP opened. To the Department, just doing something is far more important than doing it right.

Before Congress gives up the only effective leverage it has over the Department and this project, we must be certain that DOE has adequately fulfilled all of its responsibilities. At this time, it has not.

That is why I am voting against this bill.

To do otherwise is to return to the same way of doing business that characterized the first 45 years of the Nation's weapons program.

It is time for Members of this body to stand up and say "Not on my watch. Do it right."

I urge my colleagues to send that message to DOE by rejecting this legislation.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding, not in a sense of rebuttal, but just to clarify some of the statements that have been made.

New Mexico feels a responsibility for emplacement of waste because New Mexico is also one of the primary sources of most of this material at the very beginning. So it is not an uncommon thing for us to say in New Mexico that we were leaders in the beginning of the Nuclear Age, and we are also leaders in completing the nuclear energy cycle.

Nineteen Governors in the Western United States have passed a resolution supporting this project. Four Members out of the New Mexico delegation support it. The people of New Mexico have never been polled adequately, but I would safely say that there is at least a 50–50 division on it about their acceptance of a nuclear waste repository. But particularly from the area in which it is slated to be situated, there is an almost 100-percent acceptance.

Mr. Chairman, the Governor of New Mexico is in favor of this project and had a lot to do with its initial inception and formation.

The courts have passed a faulty decision in stopping the administrative withdrawal. I approved of that, even though it was a faulty decision, because it was overridden, because it was based on demonstrating retrievability. They have been retrieving from these formations for over four to five decades. Problems that were defined by some who say that the site has been unsafe are absolutely untrue. Every problem that they have met, they have concurred and overcome to the satisfaction of almost every scientific and research agency.

Mr. Chairman, if you are really concerned about Los Alamos waste, then Los Alamos should be very much concerned about getting it out of there, because it has been in their repository for some 40 years and they are out of room. They would like to move their waste somewhere else as well.

The CHAIRMAN. The gentleman from California [Mr. MOORHEAD] has the only time left.

Mr. SKAGGS. Mr. Chairman, I support the Waste Isolation Pilot Plant Land Withdrawal Act, and I urge my colleagues to do so too. I represent a district that's home to the Rocky Flats nuclear weapons plant—the origin of much of the waste going to WIPP. I have, of course, followed this legislation carefully over the last 5 years. I've visited the WIPP site, testified before four different committees on this subject, and introduced legislation relating to WIPP.

Because so much of the waste to be buried at WIPP would come from my district, people might assume that I would be the leading advocate of opening WIPP immediately, under any conditions, or even under any lack of conditions. But that's not the case.

I'm concerned about removing waste from Rocky Flats, but I'm also concerned about

safety at WIPP. In fact, in 1988, I introduced a concurrent resolution to prompt the Department of Energy [DOE] to respond to various concerns about the safety of its WIPP plans. And my testimony before the various committees looking into WIPP repeatedly stressed the need to ensure that appropriate safety precautions are taken.

The decisions we make at WIPP must stand the test of time—in this case, the tens of thousands of years that the waste buried there will still be radioactive. I have always maintained that it would be better to slow the project down, so that we could make sure that it is done safely, than to rush it along, only to end up with a facility that may not be safe enough.

I'm delighted to say that the three committees that have produced this bill—Interior, Energy and Commerce, and Armed Services—have done a good job.

Passage of this legislation will enable a test phase that in turn will demonstrate—I hope—that WIPP can meet the requirements for storing transuranic radioactive waste for thousands of years. And to make sure that the test phase—and ultimately the permanent storage phase—is carried out in the safest way possible, the bill sets reasonable standards and procedures to ensure that these decisions are made with proper regard for the environmental and safety concerns that many of us have expressed over the years.

DOE's plans for both the test phase and for permanent storage must be approved by the Environmental Protection Agency [EPA]. Most importantly, the bill provides that EPA must set the standards for permanent disposal within 6 months of enactment. It will then be up to DOE to develop a plan that meets those standards—not the other way around. Moreover, the facility will not open until DOE obtains the appropriate permits from the State of New Mexico as well.

If this dual-track procedural framework is effective, and I believe that it will be, this will ensure that the WIPP test phase be conducted in a safe and efficient manner. And if the facility is proven safe after the test phase, DOE would then be in a position to open WIPP for the permanent storage of radioactive waste.

Sites like the Rocky Flats Plant in my district have stopped making nuclear weapons, and—God willing—may never do so again. It's now time to focus on the long cleanup process. It may take up to 30 years to clean up Rocky Flats. And in that time, we'll have to deal with over one-half-million cubic feet of transuranic waste—the most dangerous by product of nuclear weapons production.

No matter how much we'd like to, we can't make this waste magically disappear. And since Rocky Flats doesn't have the room to store the waste from cleanup, a permanent disposal site is needed. That's one of the pressing reasons why it's so important to get a proper test of WIPP: The sooner we start testing, the sooner we will know whether the facility is safe; and if it's safe, the sooner we can open WIPP for permanent storage and get this dangerous waste out of less secure places.

Finding a permanent disposal site for this waste has been a frustrating experience. The process of opening WIPP has been slowed for years by DOE's failure to follow the advice of the experts—at the National Academy of Sciences, the Environmental Evaluation Group, and elsewhere—on how to properly prepare for testing of this disposal method and site. In fact, DOE still isn't prepared to do onsite testing. Instead, DOE has tried to pretend that the only obstacle to proceeding is for Congress to set aside the land for WIPP. This legislation does that. More importantly, it also establishes requirements to ensure that DOE carries out the testing properly.

Let's pass this bill, and let's get DOE moving forward in compliance with it.

Mr. DINGELL. Mr. Chairman, today the House is considering H.R. 2637, a bill which provides legislative authority for land outside of Carlsbad, NM, to be used for the operation of the waste isolation pilot plant [WIPP].

I am pleased that the bill we are considering reflects a compromise between the three committees of jurisdiction in the House: Energy and Commerce, Interior and Insular Affairs, and Armed Services.

Although three versions of this legislation were passed out of these three committees, we have worked together to create the consensus floor vehicle which we take up today.

I believe the compromise reflects an appropriate balance between the need to begin the test phase of this first-of-a-kind facility, and the need for environmental oversight throughout the process.

H.R. 2637 provides for the involvement of the Environmental Protection Agency at numerous points throughout the test phase and preparation for the final disposal stage. It ensures that the Department of Energy will not be self-certifying its own compliance with applicable standards and requirements. These additional safeguards are a fundamental part of the compromise package and provide needed assurance to maintain the integrity of the project.

The tests that will be conducted during the first 5 to 8 years will also be invaluable in providing information to be used during the final disposal stage. Without the test phase that we are proposing today, Congress and the DOE and the people of New Mexico will not have the information needed to proceed with confidence into the final disposal phase.

I urge my colleagues to support the compromise version of H.R. 2637.

Mr. MOORHEAD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 102–583 shall be considered as an original bill for the purpose of amendment, and each section is considered as read.

The Clerk will designate section 1.

Mr. KOSTMAYER. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Land withdrawal and reservation for WIPP.
Sec. 4. Establishment of management responsibilities.
Sec. 5. Plan for test phase activities; retrieval.
Sec. 6. Test phase activities.
Sec. 7. Disposal operations.
Sec. 8. Issuance of Environmental Protection Agency disposal standards.
Sec. 9. Compliance with environmental standards.
Sec. 10. Ban on high-level radioactive waste and spent nuclear fuel.
Sec. 11. Decommissioning of WIPP.
Sec. 12. Solid Waste Disposal Act; Clean Air Act.
Sec. 13. Economic assistance and miscellaneous payments.
Sec. 14. Transportation.
Sec. 15. Environmental evaluation group.
Sec. 16. Authorizations of appropriations.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGREEMENT.—The term "Agreement" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification", the August 4, 1987 "Second modification", and the March 18, 1988 "Third modification", or as it may be amended after the date of enactment of this Act, between the State of New Mexico and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164; 93 Stat. 1259, 1265).

(3) CONTACT-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "contact-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate not greater than 200 millirem per hour.

(4) DECOMMISSIONING PHASE.—The term "decommissioning phase" means the period of time beginning with the end of the operations phase and ending when all shafts at the WIPP repository have been back-filled and sealed.

(5) DISPOSAL.—The term "disposal" means permanent isolation of transuranic radioactive waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such waste.

(6) DISPOSAL STANDARDS.—The term "disposal standards" means the environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste to be issued by the Administrator pursuant to section 8(b).

(7) EEG.—The term "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Pub. L. 100–456; 102 Stat. 1918, 2073).

(8) ENGINEERED BARRIERS.—The term "engineered barriers" means backfill, room seals, panel seals, and any other manmade barrier components of the disposal system.

(9) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

(10) OPERATIONS PHASE.—The term "operations phase" means the period of time, during which transuranic radioactive waste is disposed of at WIPP, beginning with the initial emplacement of transuranic radioactive waste underground for disposal and ending when the last container of transuranic radioactive waste, as determined by the Secretary, is emplaced underground for disposal.

(11) REMOTE-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "remote-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate of 200 millirem per hour or greater.

(12) RETRIEVAL.—The term "retrieval" means the removal of transuranic radioactive waste and the container in which it has been retained and any material contaminated by such waste from the underground repository at WIPP.

(13) SECRETARY.—The term "Secretary", unless otherwise specified, means the Secretary of Energy.

(14) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

(15) TEST PHASE.—The term "test phase" means the period of time, during which test phase activities are conducted, beginning with the initial receipt of transuranic radioactive waste at WIPP and ending when the earliest of the following events occurs:

(A) The conditions described in section 7(b) are met.

(B) The Administrator certifies under section 9(c)(1)(B), that the WIPP facility will not comply with the disposal standards.

(C) The time period described in section 3(a)(3) expires.

(16) TEST PHASE ACTIVITIES.—The term "test phase activities" means the testing and experimentation activities that the Secretary determines to be necessary to determine the suitability of WIPP as a repository for the permanent isolation of transuranic radioactive waste.

(17) TEST PHASE PLAN.—The term "test phase plan" means the Department of Energy WIPP Test Phase Plan: Performance Assessment, dated April 1, 1990, and any revisions to such plan, approved by the Administrator under section 5.

(18) TRANSURANIC RADIOACTIVE WASTE.—The term "transuranic radioactive waste" means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for—

(A) high-level radioactive waste;

(B) waste that the Secretary has determined, with the concurrence of the Administrator, does not need the degree of isolation required by the disposal standards; or

(C) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code of Federal Regulations.

(19) WIPP.—The term "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265) to demonstrate the safe disposal of radioactive waste materials generated by defense programs.

(20) WITHDRAWAL.—The term "Withdrawal" means the geographical area consisting of the lands described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR WIPP.

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.

(2) RESERVATION.—Such lands are reserved for use by the Secretary for conducting test phase activities.

(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.

(c) LAND DESCRIPTION.—

(1) BOUNDARIES.—The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(2) LEGAL DESCRIPTION AND MAP.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and

(B) file copies of the map described in paragraph (1) and the legal description of the Withdrawal with the Committees on Energy and Natural Resources and Armed Services of the Senate, the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services of the House of Representatives, the Secretary of Energy, the Governor of the State of New Mexico, and the Archivist of the United States.

(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(e) WATER RIGHTS.—This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. No provision of this Act may be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.

SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

(a) GENERAL AUTHORITY.—The Secretary of the Interior shall be responsible for the management of the Withdrawal pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of Energy and the State of New Mexico in discharging such responsibility and any other responsibility required by this Act.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(2) PRIORITY OF WIPP-RELATED USES.—Any use of the Withdrawal for activities not associated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.

(3) NON-WIPP RELATED USES.—The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary of the Interior may permit such non-WIPP related uses of the Withdrawal as the Secretary of the Interior determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:

(A) GRAZING.—The Secretary of the Interior may permit grazing to continue where established before the date of the enactment of this Act, subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws and policies, including—

(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");

(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.).

(B) HUNTING AND TRAPPING.—The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(4) DISPOSAL OF SALT TAILINGS.—The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947 (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").

(5) PROHIBITION ON MINING.—No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

(c) CLOSURE TO PUBLIC.—If during the withdrawal made by section 3(a) the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action the Secretary of Energy determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

(d) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the manage-

ment plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

(e) SUBMISSION OF PLAN.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under subsection (b) to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to such Committees and the State of New Mexico.

SEC. 5. PLAN FOR TEST PHASE ACTIVITIES; RETRIEVAL.

(a) REVIEWS OF TEST PHASE PLAN BY SECRETARY.—

(1) ANNUAL REVIEW.—The Secretary shall annually review the test phase plan and propose any revisions required to ensure that all of the proposed activities described in the plan are necessary to demonstrate that the WIPP facility will comply with the final disposal standards.

(2) REQUIRED CONSULTATION.—The Secretary shall conduct any review, and make any required revisions, of the test phase plan in consultation with the National Academy of Sciences, the Administrator, and the EEG.

(b) TEST PHASE ACTIVITIES TO BE CONDUCTED AT WIPP.—

(1) JUSTIFICATION AND TEST PHASE ACTIVITIES.—The test phase plan (and any revisions to such plan) shall—

(A) include justification for all test phase activities to be conducted at WIPP;

(B) specify the quantities and types of transuranic radioactive waste required for such activities; and

(C) be submitted for review and approval to the Administrator.

(2) APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove the test phase plan (and any revisions to such plan). The Administrator shall issue a proposed rule under this paragraph not later than than 90 days after receipt of such plan (and revisions).

(B) STANDARD FOR APPROVAL.—The Administrator may approve the test phase plan (and any revisions to such plan) only if the Administrator determines that all of the proposed activities described in such plan (and revisions) are necessary to demonstrate that the WIPP facility will comply with the final disposal standards under section 8.

(c) RETRIEVAL PLAN.—The Secretary shall issue and submit to the Administrator for review a detailed retrieval plan to be implemented by the Secretary under section 6(c)(5) or 9(b)(3). Such plan shall include specific plans for the interim management and storage of any such removed waste and specify the location of such storage. The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove such plan. The Administrator shall issue a proposed rule under this subsection not later than than 90 days after receiving such plan.

(d) REVIEW BY STATE.—

(1) IN GENERAL.—In addition to the review by the Administrator of the test phase plan (or any revisions to such plan) under subsection (b)(2) and the retrieval plan under subsection (c), the Secretary shall submit each plan or revision, as appropriate, subject to review under such subsections to the State of New Mexico for review. The State of New Mexico shall complete its review and specify any disagreement with the plan (or any revisions to such plan) within 90 days of receipt of such plan or revisions.

(2) CONFLICT RESOLUTION.—In the event that the State of New Mexico disagrees with any aspect of any plan or revision to such plan subject to review under paragraph (1), the conflict resolution procedures described in Article IX of the Agreement shall be employed to resolve such disagreement.

(e) WASTE CHARACTERIZATION.—The Secretary shall, after providing notice and an opportunity for public comment, fully characterize all transuranic radioactive waste types at all sites from which wastes are to be shipped to WIPP. The results of such characterization shall be reflected in the test phase plan (and any revisions to such plan) before the Administrator may provide certification under section 9(c)(1)(B).

SEC. 6. TEST PHASE ACTIVITIES.

(a) GENERAL AUTHORITY.—The Secretary is authorized, subject to subsections (b) and (c), to conduct test phase activities in accordance with the test phase plan.

(b) REQUIREMENTS FOR COMMENCEMENT OF TEST PHASE ACTIVITIES.—The Secretary may not transport any transuranic radioactive waste to WIPP to conduct test phase activities under subsection (a) unless the following requirements are met:

(1) FINAL DISPOSAL STANDARDS ISSUED.—The final disposal standards are issued and published in the Federal Register under section 8.

(2) TERMS OF NO-MIGRATION DETERMINATION COMPLIED WITH.—The Administrator has determined that the Secretary has complied with the terms and conditions set forth in paragraphs (5), (6), and (7) of the no migration determination described at page 47720 of Volume 55, No. 220 of the Federal Register, on November 14, 1990.

(3) RETRIEVAL PLAN APPROVED.—The Secretary has issued and the Administrator has approved the retrieval plan required under section 5(c).

(4) TEST PHASE PLAN APPROVED.—The Administrator has approved the test phase plan (and any revisions to such plan) in accordance with section 5(b)(2).

(5) CONSIDERATION BY STATE.—

(A) REVIEW COMPLETED.—The Secretary has complied with the requirements of section 5(d) and the State of New Mexico has completed its review under such section.

(B) CONFLICT RESOLUTION.—In the event that the conflict resolution procedures described in section 5(d)(2) are employed for any review required under section 5(d)(1), such review shall not be considered complete until the disagreement necessitating the use of such procedures has been resolved in accordance with such procedures.

(6) EMERGENCY RESPONSE TRAINING.—

(A) REVIEW.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has reviewed the emergency response training programs of the Department of Energy that apply to WIPP.

(B) CERTIFICATION.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has certified that emergency response training programs of the Department of Energy that apply to WIPP are in compliance with part 1910.120 of title 29, Code of Federal Regulations.

(7) CERTIFICATION OF SAFETY.—The Secretary has certified that the safety of all test phase activities to be completed at WIPP can be ensured through procedures that would not compromise the type, quantity, or quality of data collected from such test phase activities.

(c) LIMITATIONS.—Test phase activities conducted under subsection (a) shall be subject to the following limitations:

(1) QUANTITY OF WASTE THAT MAY BE TRANSPORTED.—During the test phase, the Secretary may transport to WIPP—

(A) only such quantities of transuranic radioactive waste as the Administrator has determined under section 5(b) are necessary to conduct test phase activities to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) in no event more than 4,250 55-gallon drums of transuranic radioactive waste or ½ of 1 percent of the total capacity of WIPP as described in section 7(a), whichever is less.

(2) REMOTE-HANDLED WASTE.—

(A) TRANSPORTATION AND EMPLACEMENT.—The Secretary may not transport to or emplace remote-handled transuranic radioactive waste at WIPP during the test phase.

(B) STUDY.—

(i) IN GENERAL.—Within 2 years after the date of the enactment of this Act, the Secretary shall complete a study on remote-handled transuranic radioactive waste in consultation with affected States, the Administrator, and after the solicitation of views of other interested parties.

(ii) REQUIREMENTS OF STUDY.—Such study shall include an analysis of the impact of remote-handled transuranic radioactive waste on the performance assessment of WIPP and a comparison of remote-handled transuranic radioactive waste with contact-handled transuranic radioactive waste on such issues as gas generation, flammability, explosivity, solubility, and brine and geochemical interactions.

(iii) PUBLICATION.—The Secretary shall publish the findings of such study in the Federal Register.

(iv) REVISION.—Unless such study finds that remote-handled transuranic radioactive waste requires no additional precautions for disposal in WIPP, the Secretary shall revise the test phase plan to require testing of remote-handled transuranic radioactive waste subject to subparagraph (A).

(3) ANNUAL CERTIFICATIONS OF RETRIEVABILITY.—Beginning 1 year after the initial emplacement of transuranic radioactive waste underground at WIPP under subsection (a), and continuing annually throughout the test phase, the Secretary shall certify and the Administrator shall concur that all waste emplaced underground at WIPP remains and will remain fully retrievable during the test phase.

(4) STABILITY OF ROOMS USED FOR TESTING.—Transuranic radioactive waste may be emplaced in mined rooms in the underground repository at WIPP to conduct test phase activities only after the Secretary of Labor, acting through the Mine Safety and Health Administration, has certified to the Secretary of Energy that such rooms will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities.

(5) COMPLIANCE WITH DISPOSAL STANDARDS.—If, upon the expiration of the 10-year period beginning on the date of the enactment of this Act, the Administrator has not certified under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

SEC. 7. DISPOSAL OPERATIONS.

(a) CAPACITY OF WIPP FACILITY.—The Secretary may dispose of not more than 5.6 million cubic feet of contact-handled transuranic radioactive waste and 95,000 cubic feet of remote-handled transuranic radioactive waste in WIPP.

(b) COMMENCEMENT OF DISPOSAL OPERATIONS.—The Secretary may commence emplacement of transuranic radioactive waste underground for disposal at WIPP only upon completion of—

(1) the Administrator's certification under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards;

(2) the submission to the Congress by the Secretary and the Secretary of the Interior, respectively, of plans for decommissioning WIPP and post-decommissioning management of the Withdrawal under section 11;

(3) the expiration of the 180-day period beginning on the date on which the Secretary notifies the Congress that all permits and certifications required for disposal operations to begin have been received;

(4) Nuclear Regulatory Commission certification as described in section 14(a) of a container for transporting remote-handled transuranic radioactive waste to WIPP;

(5) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines pursuant to the authority under section 9(a), 9(b), or 9(c) of this Act and section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) that such acquisition is not required; and

(6) the submittal to the Congress by the Secretary of comprehensive recommendations for the disposal of all transuranic radioactive waste under the control of the Secretary, including a timetable for the disposal of such waste.

SEC. 8. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS.

The Administrator shall issue, not later than 6 months after the date of the enactment of this Act, final environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste.

SEC. 9. COMPLIANCE WITH ENVIRONMENTAL STANDARDS.

(a) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—

(1) APPLICABILITY.—The Secretary shall, during the test phase, the operations phase, and the decommissioning phase, comply with respect to WIPP, with—

(A) the Environmental Protection Agency standards for the management and storage of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste described in subpart A of part 191 of title 40, Code of Federal Regulations;

(B) the Clean Air Act (40 U.S.C. 7401 et seq.);

(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(D) title XIV of the Public Health Service Act (the Safe Drinking Water Act) (42 U.S.C. 300f et seq.);

(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(F) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(G) all regulations promulgated under the laws described in subparagraphs (B) through (F); and

(H) all other applicable Federal laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment and all applicable State and local laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment.

(2) PERIODIC OVERSIGHT BY ADMINISTRATOR AND STATE OF NEW MEXICO.—The Secretary shall, not later than 2 years after the date of the enactment of this Act, and biennially thereafter, submit documentation of continued compliance with the laws, regulations, and standards described in subparagraphs (A), (B), (D), (E), (F), (G), and (H) of paragraph (1), to the Administrator, and with the law described in paragraph (1)(C) and any regulations promulgated thereunder, to the State of New Mexico.

(3) CONCURRENCE OF ADMINISTRATOR.—The Administrator by rule pursuant to chapter 5 of title 5, United States Code, or the State of New Mexico, as appropriate, shall determine not later than 6 months after receiving a submission under paragraph (2) whether the Secretary is in compliance with the laws, regulations, and standards described in paragraph (1) with respect to WIPP.

(b) DETERMINATION OF NONCOMPLIANCE DURING TEST PHASE.—

(1) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines at any time during the test phase that—

(A) the WIPP facility will not comply with the disposal standards under subsection (c)(1)(B);

(B) the Secretary is not conducting test phase activities involving underground emplacement of transuranic radioactive waste in a manner that allows the waste to be readily retrieved as required by condition (4) of the no-migration determination described at page 47,720 of volume 55, No. 220 of the Federal Register, on November 14, 1990;

(C) conditions at the WIPP facility do not allow the waste to be readily retrieved as required by such condition; or

(D) the WIPP facility does not comply with any law, regulation, or standard described in subsection (a)(1);

the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(2) DETERMINATION BY STATE.—If the State of New Mexico determines at any time during the test phase that the Secretary has not complied with the standards applicable to owners and operators of hazardous waste, treatment, storage, and disposal facilities under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) with respect to activities at WIPP, the State of New Mexico shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(3) IMPLEMENTATION OF RETRIEVAL PLAN.—If a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1) or (2), or if the Administrator or the State of New Mexico, as appropriate, finds any such remedial plan to be inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

(c) DISPOSAL STANDARDS.—

(1) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL.—Before any transuranic radioactive waste may be emplaced underground at WIPP for disposal under section 7(b)—

(A) the Secretary shall have submitted sufficient documentation to the Administrator to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) the Administrator shall have certified by rule pursuant to chapter 5 of title 5, United States Code, that the WIPP facility will comply with the disposal standards.

(2) PERIODIC RECERTIFICATION.—

(A) BY SECRETARY.—During the period beginning 2 years after the initial receipt of transuranic radioactive waste for disposal at WIPP and ending at the end of the decommissioning phase, the Secretary shall biennially demonstrate that the WIPP facility will comply with the disposal standards and submit documentation of such demonstration to the Administrator.

(B) CONCURRENCE OF ADMINISTRATOR.—The Administrator shall, not later than 6 months after receiving a submission under subparagraph (A), determine whether or not the WIPP facility will comply with the disposal standards.

(3) LIMITATION.—Any determination of the Administrator under paragraph (1)(B) or (2)(B) may only be made after the documentation is submitted to the Administrator under paragraph (1)(A) or (2)(A), respectively.

(4) ENGINEERED AND NATURAL BARRIERS.—The Secretary shall use both engineered and natural barriers at WIPP to isolate transuranic radioactive waste after disposal to the extent necessary to comply with the disposal standards.

(d) DETERMINATION OF NONCOMPLIANCE DURING OPERATIONS PHASE AND DECOMMISSIONING PHASE.—

(1) REMEDIAL PLANS.—

(A) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—If, during the operations phase or decommissioning phase, the Administrator, or the State of New Mexico, as appropriate, determines after any submission under subsection (a)(2), that the Secretary has not demonstrated compliance with any regulatory requirement described in such subsection, the Administrator, or the State of New Mexico, as appropriate, shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate compliance with such regulatory requirement.

(B) DISPOSAL STANDARDS.—If, during the operations phase or decommissioning phase, the Administrator determines under subsection (c)(2)(B), that the WIPP facility will not comply with the disposal standards, the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate that the facility will comply with such standards.

(2) CONSEQUENCES OF NONCOMPLIANCE DURING OPERATIONS PHASE OR DECOMMISSIONING PHASE.—If a plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1)(A) or (1)(B), or the Administrator or the State of New Mexico, as appropriate, finds any such plan inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary shall retrieve, to the extent practicable, any transuranic radioactive waste and any material contaminated by such waste from underground at WIPP;

(B) the Secretary or the Secretary of the Interior, as appropriate, shall implement the decommissioning and post-decommissioning plans under section 11; and

(C) following completion of such retrieval and implementation of such plans, the land

withdrawal made by section 3(a) shall terminate.

(e) ISSUANCE OF REGULATIONS.—The Administrator shall issue regulations not later than 6 months after the date of the enactment of this Act governing the approval of a test phase plan under section 5(b), periodic oversight under subsection (a)(2), the certification and recertification processes under subsections (c)(1)(B) and (c)(2)(B), respectively, and the retrieval process required under subsection (d)(2). Such regulations shall provide opportunities for public participation in such processes.

(f) SAVINGS PROVISION.—The authorities provided to the Administrator and the State pursuant to this section are in addition to the enforcement authorities available to the State pursuant to State law and to the Administrator, the State, and any other person, pursuant to the Solid Waste Disposal Act and the Clean Air Act.

SEC. 10. BAN ON HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

The Secretary may not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.

SEC. 11. DECOMMISSIONING OF WIPP.

(a) PLAN FOR WIPP DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate; the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs of the House of Representatives; the State of New Mexico; the Secretary of the Interior; and the Administrator a plan to be implemented by the Secretary for decommissioning WIPP. In addition to activities required under the Agreement, the plan shall conform to the disposal standards that apply to WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of such plan.

(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary of the Interior shall develop a plan to be implemented by the Secretary of the Interior for the management and use of the Withdrawal following the decommissioning of WIPP and the termination of the land withdrawal made by section 3(a). The Secretary of the Interior shall consult with the Secretary and the State of New Mexico in the preparation of such plan and shall submit such plan to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives.

SEC. 12. SOLID WASTE DISPOSAL ACT; CLEAN AIR ACT.

No provision of this Act may be construed to supersede or modify the provisions of the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 13. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS.—

(1) IN GENERAL.—The Secretary may, to such extent and for such amounts as are provided in advance in appropriation Acts, provide payments to the State of New Mexico to assist the State and its affected units of local government in mitigating the potential environmental, social, transportation, economic and other impacts resulting from WIPP. Payments under this paragraph—

(A) may not, in the aggregate, exceed $40,000,000; and

(B) shall be made from the $40,000,000 appropriated under Public Law 102–27 (105 Stat. 130, 141) and the Energy and Water Development Appropriations Act, 1992 (Pub. L. 102–104; 105 Stat. 510, 529).

(2) PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, WIPP. The portion of payments provided to local governments, the identification of local governments to receive payments, and the amount of payment to each local government shall be based on a State assessment of needs, conducted in consultation with affected units of local government and based upon the demonstration of local impacts by the affected local governments.

(3) MEDICAL EMERGENCY PREPAREDNESS PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used for the equipment and training needs of the health care community for purposes of responding to emergencies arising from the operation of WIPP or the transportation of transuranic radioactive waste to WIPP.

(4) ECONOMIC IMPACT MONITORING FUNCTION.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used to establish a Socioeconomic Impact Monitoring Group within the Waste Management Education and Research Consortium to undertake an annual review of activities at WIPP.

(b) WIPP-RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES.—To the maximum extent practicable, the Secretary shall continue to encourage business and employment opportunities related to WIPP that may be conducive to the economy of the State of New Mexico, especially Lea and Eddy counties, and report annually to the State of New Mexico on these activities.

SEC. 14. TRANSPORTATION.

(a) SHIPPING CONTAINERS.—No transuranic radioactive waste may be transported by or for the Secretary to or from WIPP, except in packages that have been certified for the transportation of transuranic radioactive waste by the Nuclear Regulatory Commission and have satisfied the Nuclear Regulatory Commission's quality assurance provisions.

(b) ACCIDENT PREVENTION AND EMERGENCY PREPAREDNESS.—

(1) TRAINING.—

(A) IN GENERAL.—In addition to activities required pursuant to the December 27, 1982, Supplemental Stipulated Agreement, the Secretary shall provide technical assistance for the purpose of training public safety officials, and other emergency responders as described in part 1910.120 of title 29, Code of Federal Regulations, in any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic radioactive waste to or from WIPP. Within 30 days of the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and to the States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic radioactive waste on the training provided through fiscal year 1992.

(B) ONGOING TRAINING.—If determined by the Secretary, in consultation with affected States and Indian tribes, to be necessary and appropriate, training described in subparagraph (A) shall continue after the date of the enactment of this Act until the transuranic radioactive waste shipments to or from WIPP have been terminated.

(C) REVIEW OF TRAINING.—The Secretary shall periodically review the training provided pursuant to subparagraph (A) in consultation with affected States and Indian tribes.

(D) COMPONENTS OF TRAINING.—The training provided pursuant to subparagraph (A) shall cover procedures required for the safe routine transportation of transuranic radioactive waste, as well as procedures for dealing with emergency response situations, including—

(i) instruction of government officials and public safety officers in procedures for the command and control of the response to any incident involving the waste;

(ii) instruction of emergency response personnel in procedures for the initial response to an incident involving transuranic radioactive waste being transported to or from WIPP;

(iii) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving transuranic radioactive waste being transported to or from WIPP; and

(iv) a program to provide information to the public about the transportation of transuranic radioactive waste to or from WIPP.

(2) EQUIPMENT.—The Secretary may enter into agreements to assist States through contributions in-kind, in acquiring equipment for response to an incident involving transuranic radioactive waste transported to or from WIPP.

(c) SANTA FE BYPASS.—No transuranic radioactive waste may be transported from the Los Alamos National Laboratory to WIPP until—

(1) all of the funds necessary for the cost of construction of the Santa Fe bypass have been appropriated by the Congress or the State of New Mexico; or

(2) the Santa Fe bypass has been completed.

(d) STUDY OF TRANSPORTATION ALTERNATIVES.—

(1) IN GENERAL.—The Secretary shall conduct a study comparing the shipment of transuranic radioactive waste to the WIPP facility by truck and by rail, including the use of dedicated trains, and to submit a report on the study in accordance with paragraph (2). Such report shall include—

(A) a consideration of occupational and public risks and exposures, and other environmental impacts;

(B) a consideration of emergency response capabilities;

(C) an estimation of comparative costs; and

(D) findings and recommendations.

(2) REPORT.—The report shall be submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than July 1, 1993.

(3) FUNDING.—Of appropriated amounts described in section 13(a)(1)(B), the Secretary shall use an amount not to exceed $300,000 to carry out the study required under this subsection.

SEC. 15. ENVIRONMENTAL EVALUATION GROUP.

(a) ACCESS TO DATA, REPORTS AND MEETINGS.—The Secretary shall—

(1) provide the EEG with free and timely access to data relating to WIPP produced or obtained by the Secretary or contractors of the Secretary;

(2) provide the EEG with preliminary reports relating to WIPP; and

(3) permit the EEG to attend meetings relating to WIPP with expert panels, peer review groups, and appropriate Federal agencies.

(b) EVALUATION AND PUBLICATION.—The EEG may evaluate and publish analyses of the Secretary's plans for test phase activities, monitoring, transportation, operations, decontamination, retrieval, performance assessment, compliance with Environmental Protection Agency standards, decommissioning, safety analyses, and other activities relating to WIPP.

(c) CONSULTATION AND COOPERATION.—The Secretary shall consult and cooperate with the EEG in carrying out the requirements of this section.

SEC. 16. AUTHORIZATIONS OF APPROPRIATIONS.

(a) TRANSFERS TO ADMINISTRATOR.—

(1) IN GENERAL.—The Secretary is authorized to transfer to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and such sums as may be required for fiscal years 1995 through 2001.

(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of and resources required for the fulfillment of the Administrator's responsibilities under this Act.

(b) TRANSFERS TO MSHA.—The Secretary is authorized to transfer to the Mine Safety and Health Administration such sums as may be necessary for the purpose of fulfilling its responsibilities under section 6(c)(4).

(c) ACQUISITION OF LEASEHOLD.—There are authorized to be appropriated to the Secretary such sums as may be necessary to acquire the 1,600 acre potash leasehold within the Withdrawal, comprising a portion of Federal Potash Lease No. NM 0384584, and the Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C.

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENTS OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. KOSTMAYER:

In section 2(6), strike "section 8(b)" and insert "section 8".

In section 2(15)(B), strike the comma.

In section 2(15)(C), strike "section 3(a)(3)" and insert "section 6(c)(5)".

In section 3(a), strike paragraph (2) and insert the following:

(2) RESERVATION.—Such lands are reserved for the use of the Secretary of Energy for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized activities associated with the purposes of WIPP as set forth in section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265), and this Act.

In section 14(d)(1), strike "and to submit" in the 1st sentence and insert "and shall submit".

In section 16, strike subsections (a) and (b) and insert the following:

(a) FOR ADMINISTRATOR.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 through 2001.

(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of and resources required for the fulfillment of the Administrator's responsibilities under this Act.

(b) TRANSFERS FROM SECRETARY TO ADMINISTRATOR AND MSHA.—The Secretary is authorized to transfer from amounts appropriated for environmental restoration and waste management for fiscal years 1992 and 1993, and (to the extent approved in appropriation Acts) for fiscal years 1994 through 2001, such sums as may be useful for the purpose of assisting in the fulfillment of the responsibilities of the Administrator under this Act and the Mine Safety and Health Administration under section 6(c)(4).

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KOSTMAYER. Mr. Chairman, this set of en bloc amendments would, besides correcting several strictly technical errors, also correct two other problems with the compromise bill now before us.

First, it corrects the remaining reference to a temporary land withdrawal which was part of the Interior and Energy bill. We have now made the land withdrawal permanent.

Second, it clarifies language authorizing appropriations for EPA to fulfill its role under the bill, authorizing the Secretary of Energy to transfer funds to EPA from its environmental restoration and waste management budget for those purposes as outlined in the bill.

The amendments have been cleared, both by the majority and by the minority, of all three committees of jurisdiction.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. Mr. Chairman, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, for the sake of our colleagues, let me simply confirm that the minority has examined the amendments and has no objection to the amendments.

Mr. KOSTMAYER. Mr. Chairman, I appreciate the support of the gentleman from Arizona.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. KOSTMAYER].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON:

At the end of section 6(b) (relating to requirements for commencement of test phase activities), insert the following new paragraph:

(8) COMPLIANCE WITH DISPOSAL STANDARDS.—

(A) DOCUMENTATION BY SECRETARY.—The Secretary has submitted sufficient documentation to the Administrator to demonstrate that the WIPP facility will comply with the final disposal standards.

(B) CERTIFICATION BY ADMINISTRATOR.—The Administrator has certified by rule pursuant to chapter 5 of title 5, United States Code, that the WIPP facility will comply with the final disposal standards.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I rise to offer an amendment that simply requires that before any radioactive waste is emplaced in WIPP, the Environmental Protection Agency certify that WIPP will comply with the standards for radioactive waste disposal.

This amendment is essential because WIPP is already exempt from most of the health and safety regulations nearly every other nuclear facility has to comply with, including the Nuclear Regulatory Commission's [NRC] licensing requirements. For example, at Yucca Mountain, the proposed high-level waste repository in Nevada, NRC requires documentation demonstrating that the facility will be safe for permanent disposal before construction. This is not the case at WIPP. WIPP has already been constructed and the Department of Energy wants to conduct a series of radioactive tests inside WIPP before EPA's disposal standards are met. At the very least DOE should be required to prove WIPP is safe before emplacing radioactive waste in the facility.

DOE claims it must conduct such tests inside WIPP to determine whether or not WIPP will comply with EPA's disposal standards. However, recent reports by the National Academy of Sciences and Sandia National Laboratories clearly state such tests will not provide the necessary information. Let me point out the scientific facts.

Fact No. 1, dry bin tests: The dry bin tests, the first proposed for WIPP, are not necessary. The recent NAS report states:

Dry bin tests will not provide useful information regarding long-term gas generation in a transuranic waste repository. The Panel considers this a serious misallocation of resources that could be much more effectively used in other parts of the WIPP program.

Fact No. 2, wet bin tests: The wet bin tests have no discernible scientific basis. The NAS report concludes:

If underground testing precludes sampling of brine in the wet bins, the tests should be done elsewhere.

Furthermore NAS states:

The panel has not been convinced by the scientific rationale, as presented, for the underground gas generation tests. In particular, the plan to conduct a large number of expensive bin tests and to terminate the experiments after five years has no discernible scientific basis.

The Sandia report states:

If sufficient waste characterization cannot be achieved, then bin-scale tests may not be technically warranted.

Fact No. 3, alcove tests: The alcove tests may never take place and are not cost-effective. The NAS report states:

Plans for alcove tests have not yet been developed to the point where the panel can review them. * * * This statement clearly indicates that the alcove tests may not be carried out at all.

The Sandia report states:

An alcove test is not a cost-effective way to gather post-closure gas generation information.

The Environmental Evaluation Group, an independent scientific organization established to monitor WIPP activities, which has always maintained that nuclear waste tests do not need to be conducted inside WIPP, had the following response to the new WIPP reports:

There is a way to proceed on WIPP in a scientific way, and there is another way that satisfies the bureaucrats' desire to bring the first drum underground. * * * The scientific justification coming out is extremely flimsy to do any tests with radioactive waste at WIPP, and attempts are being made to justify it for some as-yet undefined reasons.

The scientific facts are clear: DOE's proposed tests inside WIPP will not provide the information needed to determine whether or not WIPP will comply with EPA's disposal standards. The people of New Mexico should not be subjected to unnecessary health and safety risks by conducting tests in WIPP that will provide no significant information.

Critics of my amendment are quick to point out that H.R. 2637 prevents DOE from conducting unnecessary radioactive tests inside WIPP because the bill requires EPA to certify that the tests are necessary to determine compliance with the disposal standards. The point is, however, that we already know from the country's top scientists that radioactive tests in WIPP are unnecessary, why buck this question back to the EPA. This will only allow DOE to waste more time and money in an attempt to justify bringing a few bins of waste to WIPP.

Furthermore, since EPA's decisions on the test plan are subject to judicial review, EPA approval of any tests will likely wind up in the courts causing more delays in opening WIPP.

Instead, DOE should begin focusing on tests that will provide the necessary information to demonstrate compliance with the EPA disposal standards. My amendment will not preclude DOE from gaining the information necessary to determine whether or not WIPP is safe—all the scientific information needed can be gained from conducting tests in laboratories which provide for a controlled environment.

If we are ever to determine whether WIPP is safe or unsafe, Congress must separate politics from science. DOE has spent a billion in taxpayer dollars constructing WIPP. We should now focus on tests which provide information on the long term suitability of WIPP—not tests that "have no discernable scientific basis." It is time to tell DOE enough is enough—prove WIPP is safe and then ship radioactive waste.

I urge my colleagues to support my amendment requiring EPA to certify that WIPP will comply with the disposal standards before any radioactive waste is emplaced in WIPP. My amendment is supported by the State attorney general of New Mexico, the State attorney general of Texas, and all national environmental organizations, including the League of Conservation Voters.

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Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that I rise in support of the Richardson amendment. I know that there have been a lot of comments and statements concerning it that created some concern, I think, in a lot of the Members about whether this was wise or not to adopt this piece of legislation.

I should say at the outset that I am most concerned in my west Texas congressional district, which lies due south and, as a matter of fact, due east even of this proposed site of the WIPP site. And the citizens there in my district are most concerned about low-level radioactive waste and, as a matter of fact, have asked me how it is that the NRC or the DOE or some of these other agencies, the EPA, could not have continuing control over those kinds of facilities or concern about any level of radioactivity that may affect them and our future and our own area and our own part of the country. How can they wash their hands of it completely? Is not this, after all, a part of the health and safety and welfare of the American people?

Well, I submit to my colleagues, it is. Whether it is in remote areas of Nevada, or New Mexico, Arizona, west Texas, wherever it might be, I do not really believe that many of us would agree that we should not have the most oversight we could possibly have when we are talking about our future generations of Americans in deciding on facilities.

Let me also say to my colleagues that my attorney general in the State of Texas, Attorney General Dan Moralez, sent us a letter in the Texas delegation at least asking us to support the Richardson amendment for a very simple reason, and that is the safety and welfare of the citizens in our State as well as those of New Mexico.

The releases of radioactivity from WIPP would almost certainly affect many people in our region of the country. The site is within 15 miles of the Texas border. Prevailing winds blow in west Texas and underground releases, should they ever occur, could, of course, contaminate one of our major rivers, the Pecos River.

The primary radioactive waste to be disposed of is, of course, plutonium. I think my colleague, the gentleman from South Carolina [Mr. SPRATT] certainly his statement about its effects should cause concerns for all of us. Also I think many Members should understand that we have to transport this waste to such a site, even though it is isolated. And it is going to have to go through many parts of the country. Certainly, to the extent we border it on the south and east, I imagine much of it will come through our State of Texas.

I would only point out that since almost 8,000 shipments, which was, by the way, the number of shipments that was estimated by the supplemental environmental impact statement, predicted we would have coming across Texas or would pass through Texas, that is fully 25 percent of the total number of shipments.

So I have to say that I think there is an appropriate level of concern on the part of my attorney general, and I would say one other thing. And that is that while most of us that are concerned about low-level radioactive waste, in fact, I even got an amendment authorized in the Committee on Rules once to permit oversight at higher levels than just the State commission, which may not have located a site. I know they did not in my State locate a site in its most geologically sound location but rather did it on a political basis, fewer people, fewer representatives to worry about, steam rollered them because the rest of the country wanted it in New Mexico or Nevada, steam rollered them because a low-level site in west Texas has fewer Representatives.

I would only say that my concern here today with the actions of the Department of Energy indicate to me that I am not so sad about losing Federal authority over low-level, even though it will kill a person, too, because quite honestly, the Department of Energy, in my view, has done a very poor job in its husbanding of this overall issue.

Certainly I think that the Department of the Interior's own attempted allowance of WIPP to begin operations without congressional land withdrawal legislation that caused the State of Texas and New Mexico to be in court on three separate occasions, as was pointed out by my colleague, the gen-

tleman from New Mexico [Mr. RICHARDSON], indicates that, gee whiz, even at the level we are not so good.

So I would just say, I think that we should really not be afraid of the Richardson amendment. But if we have an opportunity to at least tighten it down, to give us some additional controls by authorizing EPA to at least look at it a last time, then I think it is well worth adoption of this amendment. And I would urge my colleagues to do so.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

During the consideration of the bill by the subcommittee and then the full committee and then on the Committee on Energy and Commerce, on which the gentleman from New Mexico [Mr. RICHARDSON] and I served, the gentleman from New Mexico [Mr. RICHARDSON] worked very hard for the adoption of this. He has made clear to all of us who have served with him the goals and the objectives of the people of New Mexico. And whatever the outcome of the amendment this evening here in the House, he certainly deserves their gratitude.

□ 1830

He has been a hard and diligent fighter on their behalf.

Earlier in the evening the gentleman from Arizona [Mr. KYL] and I think the gentleman from California [Mr. MOORHEAD] and some others spoke and essentially said that the bill goes too far. I do not think it goes too far. Now we have folks on this side saying it does not go far enough.

This bill goes right down the middle. It is perhaps not pleasing to either side, but I would just ask the Members to remember a couple of things. This bill does not give DOE permission to conduct any test it wants underground. Because of a very strong provision which we have included in the legislation, DOE must go to EPA and get permission to conduct any test underground, and they must demonstrate to EPA that that test is necessary.

The gentleman from New Mexico mentioned a report by the National Academy of Sciences which indicated that there were a number of tests which they felt could be performed above ground and were not necessary to be performed below ground. That is true, but that does not speak to all of the tests. There are other tests which they need to perform underground.

Keep in mind that the maximum amount of material they would be permitted to use is one-half of 1 percent. Do not deny the National Academy of Sciences, do not deny EPA, do not deny the environmental groups, do not deny DOE the option of conducting limited but necessary tests underground to prove that this facility is absolutely safe.

Mr. EVANS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Mexico. Some would say that this amendment is an attempt to halt WIPP in its tracks. This is simply not the case. What this amendment simply asks for is caution, caution that this House should exercise fully in light of the checkered history of DOE's management of the nuclear weapons production complex.

We have an almost $200 billion cleanup bill hanging over our heads due to the decades of environmental abuse from nuclear weapons production. DOE put the environment on the back burner. We should not let them rush us into making another multibillion-dollar mistake.

The Richardson amendment simply requires the DOE to demonstrate compliance with EPA's nuclear waste disposal standards before any radioactive waste can be put in WIPP. We must be sure of one thing, that once we place waste in the ground, we have the maximum guarantee that the environment around WIPP will be safe for centuries and that future generations will never be exposed to its radioactive contents.

We now have a chance, with this new facility, to change the way DOE operates so that the integrity of the environment and the health of the people surrounding DOE facilities come first. The Richardson amendment ensures this. The bill before us today would be incomplete without it.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I seek recognition in opposition to the amendment offered by the gentleman from New Mexico. H.R. 2637, as now written, does not permit testing of waste in WIPP until EPA has promulgated standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste. This requirement contained in the bill imposes delay that costs taxpayers $14 million a month.

This amendment goes even further to postpone the tests that DOE can undertake at WIPP, by making them subject to the requirement that EPA must not only promulgate the disposal standards, but also make them final through the rulemaking process, and then certify the compliance of WIPP with the standards prior to the introduction of any waste at WIPP. I, for one, cannot imagine how EPA could make that certification without data on how transuranic radioactive waste will behave in WIPP. Yet if WIPP is unavailable for testing, from where are these data supposed to come?

The supporters of the amendment contend that DOE can test waste somewhere else'' and generate the data necessary to reach a decision about disposal in WIPP. But why, if WIPP is available for testing, should we not test in WIPP; WIPP is the proposed repository for transuranic radioactive waste. I can scarcely think of any place to collect data better than the site where disposal will occur, if it is found to be suitable.

I recognize the concerns of the gentleman from New Mexico about the difficulty of removing waste from WIPP, once it is placed there, even for testing. But both the bill and independent regulatory requirements and design criteria, require retrievability. Those requirements are better guarantees that what goes down can also come back up than the amendment from the gentleman from New Mexico.

I urge my colleagues to oppose the gentleman's amendment.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a cosponsor of the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], and strongly urge its approval by this House. Although I have explained why I will vote against the underlying bill, realistically, it is likely to pass. Therefore, adoption of the Richardson amendment is critical in order to mitigate a very severe shortcoming of H.R. 2637.

The bill before us will authorize DOE to emplace waste in WIPP for the purposes of testing. Before DOE may permanently dispose of waste in the facility, it must demonstrate that WIPP can comply with EPA standards for permanent nuclear waste repositories. The Department has told Congress for years that in situ testing at WIPP is essential for obtaining the data needed to demonstrate compliance with EPA standards.

Yet, the fact of the matter is that after 5 years and hundreds of millions dollars of effort, the Department is still unable to develop a test plan that justifies the emplacement of waste in the facility. Additionally, the standards do not require testing to show compliance, nor does DOE have any plans to conduct tests at the high-level waste repository in Nevada, where the same standards apply.

Indeed, just last month, the National Academy of Sciences WIPP Review Panel concluded that DOE's proposed test plan did not provide a convincing scientific rationale for in situ tests.

DOE's plan to place 3,800 drums directly in alcoves mined in the facility have been effectively abandoned since 1990 due to unresolved operational, safety and environmental problems. The NAS panel concluded that such tests are still so undeveloped that it could not even evaluate them.

In fact, a draft report issued last month by Sandia National Lab—DOE's own scientific adviser on the test program—stated the alcove tests were not

a cost-effective way to determine compliance with EPA standards.

The remaining portion of the Department's plan calls for sealing less than 1,000 drums in 200 bins, and placing those tests—whether they are in WIPP or at a DOE facility where waste is currently stored will have no impact on the test results, because the test environment will be the same—the inside of a sealed bin. Indeed, the Department itself has admitted that the bin tests do not have to be performed at WIPP.

Even the NAS WIPP panel said there is no discernable scientific basis to DOE's planned 5-year bin tests and that it considered the tests a serious misallocation of resources.

Sandia National Lab said the bin tests "may not be technically warranted", and suggested that even if they were, only 24 bins—the equivalent of only 144 drums or 4 truckloads of waste—would be sufficient. These unflattering critiques, and dramatic reductions in the amount of waste needed for testing, come after DOE has been trying to justify such tests for 5 years.

The game here is very clear. DOE has no scientific basis for conducting tests at WIPP. It simply wants to make a political statement about the status of the project by getting some waste into the facility.

This adventure is not without costs. Transporting those bins across the country, lowering them into the facility, and placing them in caverns subject to collapse all create added environmental and health risks—for no scientific purpose. We will not be acting responsibly if we subject our citizens and the environment to those risks simply to allow DOE to make a political statement.

Moreover, DOE's posturing has already cost this project critical time and information. For quite some time, the Department has rejected advice to initiate above ground bin tests while it tried to develop a legitimate in situ test plan. Had it followed that suggestion, the Department would already be obtaining some of the data that it claims is critical to determining WIPP's compliance with the EPA standards. Apparently, the Department was willing to sacrifice that valuable time and information to ensure that its campaign to place waste in the facility would not be undermined.

The Richardson amendment will require DOE to conduct its experiments above ground and demonstrate compliance with the EPA standards before any waste is placed in the facility. This is a responsible approach, one confirmed by DOE's own scientific advisers on this issue, and one that will yield the same data DOE hopes to get by in situ emplacement.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the interests of time I am not going to reiterate the arguments that have already been made against the Richardson amendment. I believe that they have been very carefully and cogently stated. There is one other element involved here that I think just needs to be pointed out.

I think it would be virtually impossible for anybody in this Chamber, including the author of the amendment, to give any kind of accurate estimate as to how much time it would take to comply with the Richardson amendment before WIPP could be opened. A new test protocol would have to be devised, describing how the test would be carried out, describing where it would be carried out.

New State and Federal permits would have to be issued to cover not just the testing protocol itself but the location at which the test would be carried out and the duration of the test.

□ 1840

Each one of those steps would be subject to delay along the way, and the process just simply would stop, and there would be no guarantee, no indication whatsoever as to whether an aboveground testing program could take place, how long it would take, and how much more that would delay the opening of a completed facility, a facility that is ready for operation, ready for testing, and it is costing $14 million a month to sit empty.

The Richardson amendment is ill-advised, ill-conceived, and is clearly designed to indefinitely delay the point in time in which the WIPP facility could be used for testing and ultimately be open for the permanent storage of transuranic waste.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since reference was made to the National Academy of Sciences, I wanted to read a letter dated June 23 to the chairman of the Committee on Armed Services, the chairman of the Committee on Energy and Commerce, and the chairman of the Committee on Interior and Insular Affairs from the president of the National Academy of Sciences, Frank Press. He says:

NATIONAL ACADEMY OF SCIENCES
Washington, DC, June 23, 1992.

Hon. LES ASPIN,
Chairman, Committee on Armed Services.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

Hon. GEORGE MILLER,
Chairman, Committee on Interior and Insular Affairs.

DEAR CONGRESSMEN: As you may know, the National Academy of Sciences' Board on Radioactive Waste Management has had a panel on the Waste Isolation Pilot Plant (WIPP) for over twelve years to advise the U.S. Department of Energy on the scientific and technical program for evaluating WIPP as a potential repository for transuranic wastes. Over this time we have issued a number of reports endorsing the WIPP concept and, indeed, believe that WIPP should be an important part of the national radioactive waste management program.

On June 17, 1992, our WIPP panel issued a report (copy attached) that again expressed confidence in and support for the WIPP as a potential TRU waste repository.

And this is the key sentence:

The report reiterates the panel's support for the conduct of underground experiments with radioactive waste at WIPP. The report makes specific suggestions for improving the effectiveness of the experimental program at the WIPP site. The panel hopes that the Department of Energy will use this advice to reassess the balance between various aspects of the experimental program.

It is unfortunate that some newspaper accounts of the report misinterpreted the panel's findings, but I wish to assure you of the panel's continued support for an underground testing program with TRU wastes at WIPP.

Yours sincerely,

FRANK PRESS,
President.

Mr. Chairman, I hope this allays any concerns that any of our colleagues would have that the National Academy of Sciences did not fully support proceeding with the conduct of underground experiments of radioactive waste at WIPP.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I have here in front of me a letter from a member of the panel of Dr. Press' strongly objecting to Dr. Press' turnaround. I think the gentleman knows that.

Mr. KYL. Reclaiming my time, no, the gentleman mischaracterized Mr. Press' comments as a turnaround. The president of the National Academy of Sciences, Mr. Press, refers specifically to the report and says the report reiterates the panel's support for the conduct of underground experiments with radioactive waste at WIPP. That is not a turnaround in position.

Mr. RICHARDSON. It is a turnaround at the pressuring of the Department of Energy. The report of the NAS panel is very clear that they said the tests are not necessary. When that came out in the papers, DOE asked Dr. Press to change his position, and that is the letter the gentleman is referring to.

Mr. KYL. Reclaiming my time, if that allegation had been made regarding a Member of this body, it would clearly have been inappropriate, and since it refers to the Cabinet of the President, I conclude it is inappropriate, because it suggests that inappropriate motives or activities were at work here by the Department of Energy. I know of no evidence to suggest that the Department of Energy caused anybody to change anybody's mind.

This is the letter sent to the three chairmen. They opposed this amendment. The National Academy of Sciences says underground experiments of radioactive waste are required.

I support the comments of others here who have said do not upset this bill by adopting the Richardson amendment.

I also urge that it be defeated.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, as we have stated at the outset, this WIPP facility has been completed at a cost to date of $1.2 billion. What the bill before us would allow us to do is not open it for operation to receive waste permanently but simply to test it, to begin testing the facility that cost over a billion dollars to see whether it can meet the requirements for long-term disposal of waste that has been contaminated with plutonium.

What the Richardson amendment will do is prevent the Department of Energy from using this billion dollar facility, using any waste, any actual waste for purposes of testing. Instead, the Richardson amendment apparently would have us simulate the conditions or use laboratories. It leaves unsaid exactly what we are supposed to do, but it prohibits the use of actual waste.

Mr. Chairman, I submit that the best evidence in this case is the facility itself. This facility has been constructed and completed at a cost of $1.2 billion, and the best test of whether or not it is capable of receiving and storing this waste over the long term is the facility itself and not some simulated facility.

As my colleague from Arizona has asked, where will these facilities be replicated, simulated? What will we use? Will we go aboveground in Idaho, South Carolina, Tennessee, California, places where this waste is scattered about and temporarily stored and construct some facility that has not yet been permitted for which there is no EIS yet on file, throw something up and then simulate the conditions? Surely, if we do that, when this alternate set of tests has been completed, the critics will come forward and say:

Well, you have not exactly replicated the circumstances, the conditions that obtain in a salt dome 2,150 feet below the surface have not been replicated in your laboratory, and so you are overextrapolating your conclusions.

I can hear it coming.

What we have provided for in this bill, carefully crafted, is a set of conditions that will see if the waste is placed here it will be limited in volume to one-half of 1 percent of the total volume or capacity of the WIPP facility; second, that nothing will be put there until EPA has issued on promulgated the final regulations for waste disposal, nothing, so that we can determine whether or not it complies with these regulations; third, that nothing will be placed there until EPA has approved the test program and the test plan for putting it there; and, finally, that nothing will be kept there or put there unless EPA certified at the outset, and then periodically thereafter, that the waste can be retrieved, it can be taken out of the facility if it appears that it is not going to comply for long-term disposal.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I guess the problem I am having is everybody alleges the Richardson amendment will prohibit the use of the WIPP facility. I really beg to differ with the gentleman in that the amendment that I have in my hand merely says that you have documentation by the secretary and certification by the administrator. That does not do that.

In fact, if it prohibited it, I do not think it would have the support that it does.

Mr. SPRATT. Reclaiming my time, to answer the gentleman's question, it prohibits the emplacement of waste under these conditions in this facility until the final regulations, until it has been finally certified that it complies with all the regulations, but that cannot be determined until the test program itself can be conducted over a period of 5 to 7 years, and so what it precludes is the use of actual waste in this facility for that purpose.

Let me complete my statement, because I want to address this National Research Council report. There has been much mention that the National Research Council has issued a report that is critical, and I readily acknowledge that, and I am concerned about it also.

But let me point out that the panel has said, as my colleague, the gentleman from Arizona [Mr. KYL] has pointed out:

The panel emphasizes that it supports underground testing with transuranic waste provided that the underground location does not prevent important tests from being carried out.

I might also point out that the report stated, and I am quoting:

DOE is making excellent progress with its ongoing performance assessment efforts to determine if WIPP will meet final disposal regulations.

It also stated or concluded:

The performance assessments completed thus far indicate a high probability that the waste isolation pilot plant will successfully perform as a transuranic waste repository.

Mr. Chairman, contrary to those who read this report as reasons for prohibiting underground testing of true waste, I say that it illustrates the need for a regulatory scheme similar to the one placed in this bill today.

□ 1850

Our bill would require the EPA to act as the independent overseer and regulator. In light of the fact that the NRC did not prohibit such testing I think that the option we have chosen I think is the proper option.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, the NRC does not prohibit much of anything. That is one of our major problems. I do not feel they are very competent about it, nor certainly the DOE after these reports.

Just finally, I understand the panic about, "Well, let's take a 10-year timeframe."

Mr. SPRATT. Reclaiming my time, Mr. Chairman, let me simply say to the gentleman that the best agency for making this decision is not the Congress, but the EPA, and that is what we have done. We have given this authority to the Environmental Protection Agency and we have told them, you decide whether or not actual waste should be placed in this actual repository, not the Congress of the United States.

Let us leave the bill alone with the waste provisions intact.

Mr. COLEMAN of Texas. Mr. Chairman, if the gentleman will yield, that is all we are asking the EPA to do in the Richardson amendment.

Mr. JONTZ. Mr. Chairman, I move to strike the requisite number of words.

First of all, I think it is necessary that we clarify what the Richardson amendment does and does not stop. The Richardson amendment, Mr. Chairman, does not delay tests at WIPP.

The fact is that the large majority of tests outlined in the Department of Energy's test plan are basic screening and modeling tests that do not require the emplacement of radioactive waste at WIPP.

The second point is that the DOE is not prepared to begin radioactive tests at WIPP. They do not have the waste ready for the tests at WIPP. They only have 4 dry bins of waste prepared for WIPP tests out of a proposed 200, and it has taken them over a year to prepare those 4 bins. That is not even a full truck load.

So the notion that somehow if the Richardson amendment passes that progress will stop at WIPP and that everything will grind to a halt just is a misimpression being created by those who oppose this amendment.

Second, I think it is necessary to speak to the position of the National Academy of Sciences. I have here a letter sent by the Assistant Secretary of the Department of Energy I would say directing Dr. Press to write a letter. This is a letter from the Assistant Secretary, Leo Duffy of the Department of Energy, dated June 22, and he is giving Dr. Press one day to send comments to these various chairmen that have been referenced in the letter, and if this is

not direction from the Administration, I do not know what is.

Mr. Chairman, I will include this letter in the RECORD at this point.

DEPARTMENT OF ENERGY,
Washington, DC, June 22, 1992.

Dr. FRANK PRESS,
President, National Academy of Sciences, Washington, DC.

DEAR DR. PRESS. Thank you for the opportunity to discuss the June 17, 1992, letter report of the National Academy of Sciences (NAS) Panel on the Waste Isolation Pilot Plant (WIPP) on planned test phase activities.

The Department of Energy (DOE) is pleased the NAS agrees that current WIPP performance assessment studies indicate a high probability that the WIPP would perform successfully as a transuranic waste repository. The DOE appreciates also your continued support for the need to conduct a balanced test program which utilizes radioactive waste experiments underground at the WIPP, as stated in the Panel's letter report and confirmed during our conversation today.

As you know, the DOE and NAS Panel have been meeting regularly to discuss the WIPP research and development program. The NAS Panel report contains many recommendations and conclusions that, when taken as a whole, are consistent with previous letter reports and Panel input at recent quarterly meetings. However, statements from the latest NAS Panel report, if taken out of context, could lead to confusion over the NAS endorsement of the Test Phase at WIPP.

In our conversation today, you confirmed that NAS support for the Test Phase with transuranic waste remains unchanged and that the NAS clearly supports underground testing. The Panel's report contains sentences in which multiple conclusions are combined although the ultimate statement may only apply to one conclusion. As we discussed today, it is confusing that some statements relating to the test program may appear to indicate that the NAS has somehow changed its past support for underground testing in the WIPP.

The DOE recognizes that the focus of the NAS Panel is on compliance with the Environmental Protection Agency (EPA) standards at 10 CFR 191 Subpart B, although the needs of the WIPP program go well beyond this. The DOE testing program must also address compliance with other requirements, including provisions of the Resource Conservation and Recovery Act, the No-Migration Determination of the EPA, and the requirements of 10 CFR 191 program, and that 5 years was the termination point for the performance assessment. My understanding, based on our conversation today, is that the termination of testing was the basis for the Panel's "no desirable scientific basis" statement. I would appreciate it if the NAS would clarify its position on the need for underground testing at the WIPP and direct these comments by Wednesday, June 23, 1992, to the Chairman of the House Committee on Energy and Commerce, Congressman John D. Dingell; the Chairman of the House Committee on Interior and Insular Affairs, Congressman George Miller; and the Chairman of the House Committee on Armed Services, Congressman Les Aspin. This is an extremely controversial issue as many are taking the NAS letter report out of context.

I strongly support the issues you have addressed and again thank you for your clarification that the NAS supports the need for underground testing with transuranic waste.

Sincerely,

LEO P. DUFFY,
Assistant Secretary for Environmental Restoration and Waste Management.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I am happy to yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, would the gentleman favor us with the specific language that directs the chairman of the committee to "change its position"?

Mr. JONTZ. Certainly. "I would appreciate it if the National Academy of Sciences would clarify its position on the need for underground testing."

Now, that is very diplomatic, but if that is not a directive from the administration, I do not know what is.

Now, I have right here this statement from the National Academy of Sciences. I have gone through it section by section. They have criticized in virtually every case the proposal from the Department of Energy.

We can go right to the section here on the bin test. The National Academy panel does say that it supports the notion of underground testing, provided, first, that the underground location does not prevent tests from being carried out because of the brine situation, and second, that the tests be continued for sufficient time to provide useful information, and they go on to say, "The 5-year duration proposed for the underground tests is likely to be shorter than is desirable for such tests."

They go on to say, "The dry bin tests will not provide useful information regarding long-term gas generation."

With regard to the alcove tests, they say that the alcove tests may not be carried out at all and in the absence of the alcove test, only a very limited amount of radioactive waste would be required for the experimental program at WIPP.

The long and short of it is there is no reason why the Richardson amendment should not be in place before radioactive waste is deposited at WIPP.

The scientific rationale for this whole project that has come into question, I think we need to give the DOE time to properly design a scientific rationale for the proposed test program, which is what the National Academy says they should be doing.

The panel has not been convinced by the scientific rationale as presented for the underground gas generation tests, the National Academy says.

I think we ought to give the DOE the time to design a proper scientific rationale for the tests. That will give the EPA time to provide for proper standards, because if we are going to put waste into the ground, if we are going to dispose of it, then there ought to be EPA standards and the DOE ought to be required to test these out.

The record of the DOE is just not that good. The record of the DOE does not argue that they should be given a pass in terms of having to meet these standards.

I think the gentleman from New Mexico makes a very reasonable request.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. JONTZ] has expired.

(At the request of Mr. KOSTMAYER, and by unanimous consent, Mr. JONTZ was allowed to proceed for 1 additional minute.)

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I appreciate the gentleman yielding to me, and I appreciate the gentleman reading the portion of the letter that he intends to put in, that directs the National Academy of Sciences to "change its position," as if the National Academy of Sciences would change its position on something like this.

I appreciate the fact that the gentleman does not like the clarification that the National Academy of Sciences provided because it specifically supports the conduct of underground experiments with radioactive waste at WIPP, but I do not think that supports the gentleman's contention that somehow the National Academy of Sciences might have skewed its previous recommendations.

Mr. JONTZ. Mr. Chairman, reclaiming my time, I could read very clearly what the National Academy of Sciences had to say originally, and it is very clear that the only way these tests are designed gives them very serious reservations. The National Academy panel specifically asks the Department of Energy to provide a scientific rationale that goes beyond what already exists.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, let me just say that the gentleman from Arizona and others have intimated that there is some ulterior motive here about wanting to stop the thing. I do not think that is a reality. I just think being sure and being safe are important.

We are talking about 12 years is too long and we have spent a lot of money. The reality is the stuff has a 24,000-year half-life.

I really honestly believe if you talk about a decade or 5 years or 2 years or 6 more months, whatever it may take to be certain that we are doing the safest thing possible for our future, is not out of line.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(At the request of Mr. KOSTMAYER, and by unanimous consent, Mr. JONTZ was allowed to proceed for 30 additional seconds.)

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, the Richardson amendment will preclude any underground tests, period.

Mr. JONTZ. Mr. Chairman, that is not true. The Richardson amendment precludes the deposit of waste or tests that include the deposit of waste without meeting DOE standards.

Mr. KOSTMAYER. The final EPA standard would not be complied with unless we can conduct these tests underground.

Mr. JONTZ. Reclaiming my time, Mr. Chairman, that just is not true.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

I know we are eager to get to a vote, but I have listened to those who are in support of the amendment. I am in opposition to it.

There has been a lot of fearmongering that has gone on, as it usually is when we talk about transuranic or nuclear waste.

Oversight, how much more oversight can you ask for when you have got this group of people in constant oversight now, that is the Environmental Protection Agency, the Defense Nuclear Facilities Safety Board, the Mine Health and Safety Administration, the New Mexico Environmental Department, the New Mexico State Highway and Transportation Department, the National Academy of Sciences, the blue ribbon panel, the Advisory Committee on Nuclear Facility Safety, and the Environmental Evaluation Group.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I am happy to yield to the gentleman from Texas.

Mr. Chairman, we all still have to go to court. We still have to go to court because the Department of the Interior acted without the withdrawal time.

Yes, we went to court and got a faulty decision out of the court that has been overturned, and the gentleman knows that it has been overturned.

If the gentleman is so concerned about all this wonderful danger and so forth, where have we been for the last several years? Because the temporary storage under which we are living today is an absolute scandal in this country, and if we do not get off the dime and do something about putting this in a permanent repository, we are going to let a situation exist that is totally environmentally unsound, and there is no oversight whatever.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. Yes, I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I agree with the gentleman, but the gentleman would agree also that he wants it to be safe. We want to be sure it is the most geologically sound site. I know the gentleman does, because it is in his district. We know the area, both of us, fairly well.

Mr. SKEEN. Sure, it is in my district, reclaiming my time. Forget it is my district. It is the safest resolution we have to the problem now, unless somebody comes up with a better one. I am willing to listen to that.

Someone says, "All you are interested in is the economics of this situation." That is not the point at all.

We have got an absolutely intolerable situation going on in this temporary siting and storage proposition that is going on in the United States today. It is time to do something. There is only one facility you can do it with and that is the waste isolation pilot project.

□ 1900

Mr. OWENS of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Richardson amendment to require compliance with EPA radioactive waste disposal standards before waste is emplaced in WIPP.

Both science and safety support the adoption of the Richardson amendment. There is no scientific reason to conduct experiments inside the WIPP facility, and allowing the Energy Department to proceed with its planned tests, before EPA disposal standards are in place, would increase the hazards to the public.

All of the tests DOE proposes to conduct at WIPP can and should be done in a laboratory. That is not just my opinion. It is the conclusion of the National Academy of Sciences. Just last month, the Academy released a report on DOE's proposed test plan that found, "There is no compelling scientific rationale for conducting these experiments at the WIPP facility."

Who is the better judge of whether this is a scientifically valuable test—EPA or NAS?

The lack of any scientific justification is not the only reason why DOE should not be allowed to proceed with its planned tests at WIPP. The WIPP facility was not designed to be a testing facility; it was designed as a disposal site. Conducting scientific experiments in a laboratory specifically designed for this purpose is at least as good, if not better than doing these experiments at a waste disposal facility.

Instead of wasting time and money in a misguided effort to transform WIPP into something it was never designed to be, DOE should be focusing its efforts on protecting the public from the health and safety hazards associated with WIPP. If anything, DOE's plan to bring wastes to WIPP before complying with EPA disposal standards would increase the risks to the public.

DOE's test plan calls for trucking radioactive wastes to the WIPP before we ever know whether the facility can safely house these wastes. If WIPP fails to meet the EPA standards, it is likely the waste would be returned to its original location using the same routes. If this happens, the people of Utah would be subjected to radiation hazards both coming and going, doubling the risk to their health and safety.

DOE's plan to conduct tests at the WIPP facility sacrifices science and it sacrifices safety so that DOE can say that WIPP is open for business. The National Academy of Sciences' report shows that conducting tests at WIPP makes no sense from a scientific standpoint. What is worse, allowing DOE to proceed with its proposed tests at WIPP needlessly exposes the public to radiation hazards.

The Richardson amendment protects public health by requiring the EPA to certify that DOE complies with the new EPA radioactive waste disposal standards before wastes are emplaced in the WIPP facility. This ensures that WIPP does not receive radioactive waste until it has been shown that the waste can safely remain there. And the Richardson amendment prevents the DOE from using scientifically questionable tests as a pretense to begin shipping waste to WIPP.

The Richardson amendment is a vote for science and is a vote for safety. I urge my colleagues to support this amendment.

Mr. STALLINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, I am quite taken by this debate about a very small amount of waste that somehow will create problems to New Mexico if it is allowed to be placed in a billion dollar facility. I find that very intriguing because for the last 40 years tons of that stuff have been sitting in the desert of Idaho and not one of these gentlemen have raised their voices in opposition to that travesty.

I am concerned that the gentleman from Texas [Mr COLEMAN] worries about a little bit of wind draft carrying some of the waste into Texas. Ladies and gentlemen, that has been sitting in the desert of Idaho for 40 years, percolating down into the aquifer.

I am concerned about Mr. RICHARDSON's worry about safety. My colleagues, I am concerned about safety. What about tons of waste sitting in the desert of Idaho, promised by the DOE some 40 years ago that it would be temporary? Is temporary another 40 years or into the next century or the full thousands of years of half-life of this material?

I suggest that people of this Nation are correct when they say Congress is in gridlock; because of this kind of nonsense that we are in gridlock, that we fight over insignificant amounts of waste to be placed into a billion-dollar facility so that we can test it.

Now, the three committee Chairs, and the committees, have put together a good package that does provide us a solution. I suggest that the Richardson amendment is a return to gridlock because we know that after a period of time of testing in simulated conditions, that the waste will then be argued that we ought not put it into the ground because we have not tested it under real conditions.

If you think 40 years is a long time for that waste to sit in Idaho, you support the Richardson amendment and it will be there considerably longer.

Now, our State has not complained to this point. Governor Andrus has placed a roadblock, saying, "Folks, keep your waste at home." This stuff is being generated at a variety of facilities around this Nation,. Maybe it ought not come to Idaho. Maybe it ought to stay in the States where it is being generated. Then perhaps we can get a little more support for a resolution to this problem.

But at this point the resolution is continued gridlock. The resolution is: Leave it in Idaho, "Don't worry about it, as long as it is leaving our States. Out of sight, out of mind."

The gentleman from Texas [Mr. COLEMAN] raised earlier the question of transportation. It has been coming to Idaho for 40 years in transportation modes that may be safe. But, folks, let us get the problem solved. Let us take this small step. Let us test some of this waste in this facility. If it does not work, we can retrieve it.

I think we have got to take this step or the American people will be absolutely right on when they say Congress cannot solve basic problems.

We are showing it, we have shown it in the past with our inabilities. We have a package that will work. The committees have done their work. The chairmen are supporting it.

The surprise to me is the great environmental community, whom I have supported at times, who tell us now it is not wise to put a small amount of waste into that hole but somehow that is environmentally unsafe but it is not unsafe to let the waste continue to accumulate.

We have sat it there in boxes and drums, put it through the cold winters and the hot summers. We have no idea what the disposition is.

Mr. JONTZ has suggested earlier that even if it is open, there is not enough waste to put down in that hole. That is not correct. I visited the Idaho National Engineering Laboratory last week. The response was, "Yes; we are characterizing the waste. We will have adequate amounts when that facility is ready to take it."

My colleagues,when you think of this issue and you think of a continued period of gridlock, consider the State of Idaho and the needs there. Consider the fact we have been sitting on this waste, we have been the good neighbors, we have accepted it. It is now on the desert for an extended period of time.

Give us the benefit of this test. Let us move some of that waste so that we can in fact show the American people, show the people of Idaho, that we are doing the right thing.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. STALLINGS. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Chairman, I wonder if we could wind up debate on this amendment. We have two more amendments. If we could vote on this, we could proceed to the other two and finish the bill quickly.

Mr. STALLINGS. Mr. Chairman, I rise to speak in support of this important legislation and to express my strong opposition to the Richardson amendment.

The waste isolation pilot plant, known as WIPP, was built to determine the feasibility of using the site for permanent disposal of transuranic waste generated by our Nation's nuclear weapons program.

TEST PHASE CRITICAL PART OF WIPP PROGRAM

However, before this critical decision can be made, I believe it is necessary for the Department of Energy to initiate a test program using a limited amount of waste.

The highly qualified scientists and experts with the National Academy of Sciences, blue ribbon panel, EPA, and others agree on the need for a test program. What is being debated are the details, as scientists should in any test program, such as what kinds of tests should be conducted with what amount of waste.

It is important to note that starting the test program does not mean that the WIPP facility is open for permanent waste disposal.

The purpose of the test phase is to develop scientific data essential to evaluating the performance of WIPP as a disposal facility, including its ability to comply with Federal and State environmental regulations.

Furthermore, the underground experiments at WIPP, using a phased approach, will provide valuable operational experience. In addition, the small amount of waste to be placed in WIPP during the test phase would have to be retrievable under this bill.

In short, the test phase will help determine whether WIPP is suitable as a permanent disposal site.

The Richardson amendment, however, will prevent a timely assessment of WIPP's suitability as a disposal site and could needlessly jeopardize the entire project.

COMPROMISE BILL PROVIDES ENVIRONMENTAL SAFEGUARDS

The bill before us today is a compromise version that has been carefully put together by the three committees of jurisdiction: Interior, Energy and Commerce, and Armed Services.

This legislation is a fair and reasonable proposal which provides strong environmental protection safeguards to ensure that the tests will not jeopardize the environment or threaten the health and safety of our citizens.

In addition, numerous oversight and regulatory groups provide independent review of the WIPP program. And safety assurances are already built into the facility and proposed legislation.

RICHARDSON AMENDMENT ENJOYS LITTLE SUPPORT

Let's review briefly who is opposed to the Richardson amendment. From the Interior Committee, Chairman GEORGE MILLER and Subcommittee Chairman PETER KOSTMAYER.

From the Energy and Commerce Committee, Chairman JOHN DINGELL and Subcommittee Chairman PHIL SHARP. And from the Armed Services Committee, Chairman LES ASPIN and Subcommittee Chairman JOHN SPRATT.

The administration also is opposed to the Richardson amendment because it would unnecessarily delay or impede initiation of WIPP test program activities.

And, finally, the Richardson amendment is opposed by a number of our State's Governors, including Idaho Gov. Cecil Andrus, New Mexico Gov. Bruce King, Colorado Gov. Roy Romer, Nevada Gov. Bob Miller, Washington Gov. Booth Gardner, Tennessee Gov. Ned McWherter, and South Carolina Gov. Carroll Campbell.

Recently, the Western Governors' Association adopted a resolution stating the group's support for WIPP and opposition to the Richardson amendment.

These governors recognize the importance of opening WIPP as a permanent disposal facility and the value of initiating the test phase.

I share their concerns about the long-term storage of waste in these States and the need to develop a responsible, national approach to permanent waste disposal.

Supporters of the Richardson amendment fail to acknowledge that the waste that is designated to go to WIPP for test purposes and ultimate disposal is currently stored at Department of Energy facilities all over the Nation, including Idaho.

This temporary storage poses a higher risk than tests conducted at the WIPP facility.

IDAHO SERVES AS TEMPORARY NUCLEAR WASTE SITE

The situation in Idaho is a good example. For nearly 40 years, the Idaho National Engineering Laboratory, located in my district, has been storing transuranic waste until a permanent facility is opened.

Approximately two-thirds of the country's transuranic waste is stacked in drums at the Idaho site. This waste storage method in Idaho is unacceptable.

Some of this waste was placed on asphalt pads in 1970 and has reached its 20-year shelf life. Several years ago, a retrieval investigation was performed to examine the condition of the drums and boxes on one of these pads.

Upon examination, they were found to be rusted. Labels were in poor condition and some of the boxes were breached. The Department of Energy has undertaken a costly program to fix the problem. But ultimately, permanent disposal—rather than a temporary fix—is needed.

In addition, the buried transuranic waste in the DOE complex, including Idaho, is one of the more serious environmental problems facing Energy Department officials.

Trace amounts of plutonium and organic contaminants from the buried waste have migrated into sediments below the Idaho radio-

active waste management complex. Without proper management, they pose a risk to the Snake River aquifer, which is my State's economic lifeblood.

I share this background about the nuclear waste problems in Idaho because it highlights the importance of evaluating WIPP and resolving this national nuclear waste crisis.

During debate on this issue, we will focus on the safety of the New Mexico facility. We should not forget, however, that there is a serious problem at Idaho that requires an effective and timely solution.

I take issue with my friends in the environmental community who say that this amendment is needed to protect public health. With all due respect, I must disagree. The bill provides strong environmental protections.

I also find it ironic that they believe it is in the public's best interest to store this nuclear waste in the Idaho desert rather than to begin this important test program.

CLOSING COMMENTS

The Nation's taxpayers have spent more than $1 billion to develop the WIPP facility, which is now ready for testing. And we are spending $14 million per month to maintain the facility. It would be very unfortunate if we do not fully assess the suitability of this facility.

The safe and timely opening of the waste isolation pilot plant is of real concern to me and of vital importance to the people of Idaho and our Nation.

In 1989, I had an opportunity to visit the WIPP facility. I truly believe it offers the best long-term hope this Nation has in resolving its nuclear waste problems.

I want to thank my colleagues for their hard work and cooperation to achieve this compromise. It is time for the House to approve this legislation and open the WIPP facility for scientific testing.

I urge my colleagues to reject the Richardson amendment.

Mr. SYNAR. Mr. Chairman, I rise in reluctant opposition to the amendment. As the gentleman from New Mexico knows, I am extremely sympathetic to issues that he raises.

The DOE's plans to conduct tests at WIPP have been criticized by the General Accounting Office, the New Mexico Environmental Evaluation Group, and the National Academy of Sciences. As he knows, my oversight subcommittee held a hearing last year that looked extensively at the problems with the DOE test program, including the fact that DOE was planning to conduct 10-year tests in an underground room that was going to collapse in just two years. In my opinion, DOE insistence upon conducting the bin and alcove tests in WIPP has wasted hundreds of millions of dollars and caused years of delay.

What I would say to my colleague from New Mexico, is that we have tried to address the problem he has raised by requiring the Environmental Protection Agency to publish the final disposal standards before testing can begin and to determine that the tests that DOE wants to conduct are necessary to demonstrate compliance with those standards. EPA is going to have to make that determination according to the Administrative Procedure Act and its determination will be judicially reviewable. EPA would also have to approve the DOE retrieval plan in the same fashion. In addition, the tests are subject to the waste characterization and other requirements of the EPA no-migration variance.

Again, I am sympathetic to the additional protections that the gentleman seeks to include in his amendment. We have addressed the gentleman's underlying concern, that before DOE can conduct tests with radioactive waste at WIPP they must be approved by an independent regulatory agency against the requirements of final EPA disposal regulations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 253, not voting 33, as follows:

[Roll No. 287]

AYES—148

Abercrombie	Green	Pelosi
Alexander	Guarini	Petri
Andrews (ME)	Gunderson	Porter
Andrews (NJ)	Hayes (IL)	Poshard
Annunzio	Hertel	Rahall
Applegate	Hochbrueckner	Ramstad
AuCoin	Hughes	Rangel
Bacchus	Jefferson	Reed
Beilenson	Johnson (SD)	Richardson
Berman	Jones (NC)	Rinaldo
Bilbray	Jontz	Ros-Lehtinen
Blackwell	Kennedy	Rose
Boehlert	Kennelly	Russo
Bonior	Kildee	Sabo
Boxer	Klug	Sanders
Brooks	Kopetski	Sangmeister
Bryant	Lantos	Savage
Bustamante	Laughlin	Scheuer
Campbell (CA)	Leach	Schroeder
Chapman	Levin (MI)	Schumer
Coleman (TX)	Levine (CA)	Sensenbrenner
Collins (IL)	Long	Serrano
Collins (MI)	Lowey (NY)	Shays
Costello	Machtley	Sikorski
Coyne	Markey	Slaughter
de la Garza	Matsui	Smith (FL)
DeFazio	Mazzoli	Smith (NJ)
DeLauro	McDermott	Snowe
Dixon	McHugh	Solarz
Dorgan (ND)	McMillen (MD)	Stark
Downey	Meyers	Studds
Dymally	Mfume	Swett
Edwards (CA)	Mink	Torres
Edwards (TX)	Moody	Unsoeld
Engel	Morella	Valentine
English	Murphy	Vento
Evans	Nagle	Vucanovich
Fascell	Neal (MA)	Walsh
Fish	Nowak	Washington
Flake	Oakar	Waters
Foglietta	Oberstar	Waxman
Frank (MA)	Obey	Weldon
Frost	Olver	Wheat
Geren	Ortiz	Wilson
Gibbons	Owens (NY)	Wolpe
Gillmor	Owens (UT)	Wyden
Gilman	Pallone	Yates
Glickman	Panetta	Zimmer
Gonzalez	Pastor	
Goodling	Payne (NJ)	

NOES—253

Allard	Baker	Bereuter
Allen	Ballenger	Bevill
Anderson	Barnard	Bilirakis
Andrews (TX)	Barrett	Bliley
Anthony	Barton	Boehner
Archer	Bateman	Borski
Armey	Bennett	Boucher
Aspin	Bentley	Brewster
Broomfield	Hobson	Peterson (MN)
Browder	Holloway	Pickett
Brown	Hopkins	Pickle
Bruce	Horn	Price
Bunning	Houghton	Pursell
Burton	Hoyer	Quillen
Byron	Hubbard	Ravenel
Callahan	Huckaby	Regula
Camp	Hunter	Rhodes
Campbell (CO)	Hutto	Riggs
Cardin	Inhofe	Ritter
Carper	Jacobs	Roberts
Carr	James	Roemer
Chandler	Jenkins	Rogers
Clay	Johnson (CT)	Rohrabacher
Clement	Johnson (TX)	Rostenkowski
Clinger	Johnston	Roth
Coble	Kanjorski	Roukema
Coleman (MO)	Kaptur	Rowland
Combest	Kasich	Roybal
Condit	Kleczka	Santorum
Cooper	Kolbe	Sarpalius
Cox (CA)	Kostmayer	Sawyer
Cox (IL)	Kyl	Saxton
Cramer	Lagomarsino	Schaefer
Crane	Lancaster	Schiff
Cunningham	LaRocco	Schulze
Dannemeyer	Lehman (CA)	Sharp
Darden	Lent	Shaw
Davis	Lewis (CA)	Shuster
DeLay	Lewis (FL)	Sisisky
Derrick	Lightfoot	Skaggs
Dickinson	Livingston	Skeen
Dicks	Lloyd	Skelton
Dingell	Lowery (CA)	Slattery
Donnelly	Luken	Smith (IA)
Dooley	Manton	Smith (OR)
Doolittle	Marlenee	Smith (TX)
Dornan (CA)	Martin	Solomon
Dreier	Martinez	Spence
Duncan	Mavroules	Spratt
Dwyer	McCandless	Staggers
Early	McCollum	Stallings
Eckart	McCrery	Stearns
Edwards (OK)	McCurdy	Stenholm
Emerson	McDade	Stokes
Erdreich	McEwen	Stump
Espy	McGrath	Sundquist
Ewing	McMillan (NC)	Swift
Fawell	McNulty	Synar
Fazio	Michel	Tallon
Fields	Miller (CA)	Tanner
Ford (MI)	Miller (OH)	Tauzin
Gallegly	Miller (WA)	Taylor (MS)
Gallo	Mineta	Taylor (NC)
Gaydos	Moakley	Thomas (CA)
Gejdenson	Molinari	Thomas (GA)
Gekas	Mollohan	Thomas (WY)
Gephardt	Montgomery	Thornton
Gilchrest	Moorhead	Traficant
Gordon	Moran	Upton
Goss	Murtha	Vander Jagt
Gradison	Myers	Visclosky
Grandy	Natcher	Volkmer
Hall (TX)	Neal (NC)	Walker
Hamilton	Nichols	Weber
Hammerschmidt	Nussle	Whitten
Hancock	Olin	Williams
Hansen	Orton	Wise
Harris	Oxley	Wolf
Hastert	Packard	Wylie
Hayes (LA)	Parker	Yatron
Hefley	Patterson	Young (AK)
Hefner	Paxon	Young (FL)
Henry	Payne (VA)	Zeliff
Herger	Pease	
Hoagland	Penny	

NOT VOTING—33

Ackerman	Hatcher	Morrison
Atkins	Horton	Mrazek
Conyers	Hyde	Perkins
Coughlin	Ireland	Peterson (FL)
Dellums	Jones (GA)	Ray
Durbin	Kolter	Ridge
Feighan	LaFalce	Roe
Ford (TN)	Lehman (FL)	Torricelli
Franks (CT)	Lewis (GA)	Towns
Gingrich	Lipinski	Traxler
Hall (OH)	McCloskey	Weiss

□ 1927

Messrs. BLACKWELL, GUNDERSON, DEFAZIO, EDWARDS of California, DOWNEY, and GUARINI, and Mrs.

COLLINS of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Chairman, I missed rollcall No. 287, on the Richardson amendment, inadvertently, and if I had made the vote, I would have voted "no."

Mr. KOSTMAYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are four amendments remaining. Two amendments my side is prepared to accept, one will be withdrawn, and one is, I believe, not germane. Then we could move to a vote on final passage.

Mr. Chairman, I would think that we could be done by a quarter of 8 if we move very quickly.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section (and conform the table of contents accordingly);

SEC. 17. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, all of the committees are aware of my buy American amendment. They have reviewed it. I ask that they accept it and that the managers pledge to fight until their dying breath at conference to keep it in.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, our side accepts the amendment.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, the minority has examined the amendment and accepts it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

□ 1930

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: At the end of section 10 (relating to ban on high-level radioactive waste and spent nuclear fuel), insert the following new subsection:

(b) BAN ON MONITORED RETRIEVAL STORAGE FACILITY.—Effective June 18, 1992, no monitored retrieval storage facility (as defined in section 2(34) of the Nuclear Waste Policy Act of 1982) may be constructed or operated on the lands of the Mescalero Apache Tribe located in Mescalero, New Mexico.

In such section 10, insert "(a) IN GENERAL.—" before "The Secretary".

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

POINT OF ORDER

Mr. KOSTMAYER. Mr. Chairman, I rise to a point of order against the amendment and suggest that it is not germane.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. KOSTMAYER. Mr. Chairman, I do not.

The CHAIRMAN. Does the gentleman from New Mexico [Mr. RICHARDSON] wish to be heard on the point of order?

Mr. RICHARDSON. Mr. Chairman, this amendment that I have, I am offering it with my colleague, the gentleman from New Mexico [Mr. SKEEN].

We have all been voting on legislation that brings low-level nuclear waste to New Mexico. I want every Member to know that New Mexico is now a candidate for high-level nuclear waste on an Indian reservation.

Mr. Chairman, I am offering this amendment to prohibit the construction or operation of an MRS [monitored retrievable storage] facility, on the lands of the Mescalero Apache Tribe located in New Mexico. I am offering this amendment not because I question the ability of the Mescalero Tribe to make its own management decisions but because of the Department of Energy's persistence in pursuing this site despite the strong opposition of the Governor of New Mexico, the entire New Mexico congressional delegation, the entire State legislature, and the large majority of the citizens of New Mexico.

The CHAIRMAN. The gentleman from New Mexico [Mr. RICHARDSON] should confine himself to the reasons why this amendment is germane.

Mr. RICHARDSON. Mr. Chairman, the reason that this amendment is germane is because we are talking about nuclear waste, and the legislation in front of us, the nuclear waste legislation, contains prohibition on high-level nuclear waste.

What this amendment deals with is the monitored retrievable storage which is high-level waste in legislation pertaining to the Nuclear Waste Policy Act.

And, therefore, I submit that it is germane.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. KOSTMAYER] wish to be heard further on the point of order?

Mr. KOSTMAYER. Mr. Chairman, this would amend the Nuclear Waste Policy Act. This legislation is not now before the House; an entirely separate statute is. I suggest that this is not germane.

The CHAIRMAN. (Mr. MCDERMOTT). The Chair is prepared to rule on the amendment.

The amendment is related to an area of New Mexico and type of nuclear waste other than that specifically contained in the bill and, therefore, it is beyond the scope of the bill as proposed.

Therefore, the amendment is not germane.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: In section 14(d)(1), strike subparagraph (D) and insert the following:

(D) findings and recommendations with respect to—

(i) the most appropriate routes for transporting transuranic radioactive waste to WIPP based on the foregoing considerations; and

(ii) necessary or appropriate measures to minimize the potential risks to public health and safety and the environment of transporting transuranic radioactive waste along such routes, taking into consideration weather, other natural conditions or hazards, and other relevant criteria.

In section 14(d), insert after paragraph (1) the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(2) IMPLEMENTATION OF STUDY RECOMMENDATIONS.—The Secretary, in consultation with affected States and Indian tribes, shall implement the recommendations made under paragraph (1)(D) to the extent practicable. The Secretary shall certify such implementation to the Congress prior to the transportation of transuranic radioactive waste to WIPP for disposal.

In section 14(d)(3) (as so redesignated), strike "The report" and insert the following: The report required in paragraph (1) and the certification required in paragraph (2).

Mr. OWENS of Utah (during the reading). Mr. Chairman, I ask unanimous

consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, I rise in support of my amendment to ensure that routes selected for transporting transuranic radioactive wastes to WIPP are the safest possible.

The waste isolation pilot plant is designed to hold 850,000 barrels of transuranic waste that is currently stored at 10 different sites scattered around the country. That's more than 5 million gallons of radioactive waste that must be collected from sites as far apart as Savannah River, SC, and Hanford, WA, and then transported to Carlsbad, NM for disposal. Only 2 of these 10 sites are within 1,000 miles of the WIPP facility.

Transporting this enormous quantity of waste from where it is now stored to the WIPP facility will be a massive undertaking. Over 40,000 separate shipments are planned. In all, shipments of transuranic wastes will pass through 23 different States enroute to WIPP.

Most of these waste shipments will cover at least 1,000 miles, and some shipments will exceed 2,000 miles in length. During the transportation of transuranic wastes over these hundreds of thousands of highway and railway miles, there will be countless opportunities for tractor trailers to jackknife, overturn, or skid off the road and numerous locations where trains could derail.

The risks associated with shipment of radioactive waste to WIPP are not merely statistical probabilities. The Department of Energy's own environmental impact statement identified a number of serious hazards along the routes DOE is proposing to use for shipments of waste intended for WIPP.

For example, the majority of Interstate 84 in northeastern Oregon has hazardous winter driving conditions. Further down this same road, wet, concrete paving may cause trucks to jackknife on the stretch of I-84 between Mountain Home and Glenns Ferry, ID. And, at the interchange where interstates 84 and 80 come together just outside of Ogden, UT, the DOE's own EIS cautions that high speed on curve can cause trucks to overturn.

These are only a few of the hazards identified by the Energy Department's EIS along just one of the roads it has selected as a transport route for WIPP wastes. When you consider that thousands of trucks will be using this road if the DOE has its way, the risks to the public and to the environment become very real and very serious.

My amendment would reduce the hazards of transporting radioactive wastes to WIPP by requiring DOE to select the most appropriate routes. It would also require DOE to implement measures to minimize risks to the public and to the environment in consultation with affected States and Indian tribes. And, it would require DOE to certify to Congress that these actions had been taken before wastes are shipped to WIPP for disposal.

Members of Congress and the public may be surprised to learn that there is no legal requirement that DOE pick safe routes for shipping wastes to WIPP and that H.R. 2637 does not establish route selection requirements. My amendment fills this regulatory void.

Normally, shipments of radioactive waste are subject to stringent regulation by the Department of Transportation. These regulations require shippers to select routes that minimize radiation hazards to the public. But the DOT regulations do not apply to radioactive waste shipped by the Department of Energy "for national security purposes."

This loophole is big enough to drive a truck through, and that truck could be loaded with radioactive waste destined for WIPP. In fact, this loophole would permit thousands of trucks loaded with hundreds of thousands of drums of radioactive waste to travel over unsafe roads or under unsafe conditions.

Unless this loophole is closed, DOE could authorize its trucks to drive straight through downtown Denver or Santa Fe, even during rush hour. And, the people living along these routes would have only a hope and a prayer that no tragedy occurs during these shipments.

There would also be no assurance that DOE would avoid icy Rocky Mountain roads in the winter or halt shipments through the Midwest when tornado warnings are in effect. Unless safeguards are put in place to prevent this from happening, some trucks may not make it to WIPP with their nuclear cargo intact.

The DOE and others may try to argue that my amendment is unnecessary, that DOE will choose the safest routes even without a legal requirement to do so. Do not be fooled by these arguments.

The best indicator of how DOE will select routes for shipping waste to WIPP for disposal is DOE's past action in deciding to ship wastes to WIPP exclusively by truck during the test phase of WIPP operations. Was this decision made on the basis of the relative safety of trucking versus railway transport? Not a chance.

According to the DOE's own environmental impact statement, "Shipping by truck during the test phase is proposed because rail transport would cost more." This statement reveals that cost, not safety, was the critical factor for DOE in deciding to use trucks instead of trains during the test phase.

DOE's callous indifference to the public health and safety threats posed by shipping wastes to WIPP is reason enough to vote for my amendment. But there's an additional reason why my amendment should be adopted and that is to ensure that the money H.R. 2637 authorizes for a study of transportation route alternatives is not wasted. H.R. 2637 already requires this study to be conducted and authorizes up to $300,000 to be expended. As the bill now stands, DOE can conduct the study, submit the results to Congress, and then ignore the study's findings and recommendations. My amendment ensures that the results of this study are carried out, so that the money spent on the study would not be wasted. The transport routes determined to be the safest would have to be used and recommendations for measure to reduce dangers to the public would have to be implemented.

The Owens amendment strengthens the transportation route study provision already in H.R. 2637. It closes a loophole in the Department of Transportation regulations. And, most importantly, it protects the public and the environment from the radiation hazards involved in transporting transuranic waste to WIPP. For these reasons, I urge adoption of this amendment.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the last word.

I have discussed the amendment with the gentleman from Utah [Mr. OWENS] and the gentleman from Arizona [Mr. RHODES]. We think it improves the bill from my side. We accept the amendment.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BILBRAY: At the end of section 13, insert the following new subsection.

(a)PROHIBITIONS ON RECEIPT OF WASTE IF FUNDING NOT PROVIDED.—If the Secretary does not make any payment required to be made under this subsection, the Governor may prohibit all transuranic waste from being received at WIPP. The Governor shall notify the Secretary at least 45 days before any such prohibition goes into effect.

Mr. BILBRAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. BILBRAY. Mr. Chairman, this particular amendment was one that

was in the Committee on Armed Services markup which provides that in the case that money is provided to the State of New Mexico, which was promised, originally they were promised $20 million a year for 30 years. That has been struck down to $40 million a year, which the people of this country should note what was promised to the people of New Mexico was not delivered. And I can think we will have a similar situation when the Yucca Mountain project is brought forward, when money is promised to the citizens of Nevada.

I think it is important that this was struck out because the Department of Energy protested, did not want it in, did not want guarantees, even though Congress, in their bill, was providing for this money.

I think it should be pointed out that it is moot now because the fact is they reduced this $600 million to $40 million. The people of New Mexico have been screwed as the people of Nevada will be screwed.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: At the end of the committee substitute made in order by the rule (H. Res. 494), add the following new paragraph to section 16:

"(d) Notwithstanding any other provision in this Act, no funds are authorized to be appropriated to carry out this Act unless such funds are appropriated in an Act or Joint Resolution containing no other appropriation (to carry out any other law)."

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, over the last week we have found out that Governor Clinton supports the line-item veto. President Bush supports line-item veto. The gentleman from Washington, Speaker FOLEY, supports line-item veto. The gentleman from Illinois [Mr. MICHEL], the minority leader, supports line-item veto. We seem to have a consensus in the country that a line-item veto is a good thing.

Governor Clinton's economic program contains this as one of the major items that he has in his economic program for saving money.

It seems to me that, if, in fact, we are going to begin that process of saving money through line-item veto that we could start here. The amendment that I offer obviously does not solve the entire line-item veto question. It does put this one program, however, under line-item veto. It would do so by having a special appropriation for this, thereby giving the President the opportunity to deal with it in an appropriate manner in the same manner as a line-item veto.

So it is my intention to begin the process here of deciding whether or not we are willing to use line-item veto as a way of saving money. That is not to say that anything in this bill is going to be wiped out by line-item veto. We do not know.

It is one of those ideas, though, that ought to be contained in each and every authorization that comes through. On this open rule we have an opportunity to vote for line-item veto. I am offering an amendment that gives us line-item veto, and I would urge the Members to support it.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the Walker amendment.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to ask first of all if this amendment is subject to a point of order?

Mr. KOSTMAYER. Mr. Chairman, I believe it is not. We have checked with the Parliamentarian.

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, then I do not think this is an appropriate vehicle to use it on.

Mr. KOSTMAYER. Is the gentleman from New Mexico opposed to the Walker amendment?

Mr. SKEEN. Mr. Chairman, I am.

Mr. KOSTMAYER. Mr. Chairman, I yield to the gentleman from Arizona [Mr. RHODES] to ask his position on the Walker amendment.

Mr. RHODES. Mr. Chairman, I think that in general this is a concept that I could support, but very frankly, I only about 45 seconds ago saw the language. I have not had an opportunity to analyze how it would apply to this bill or to subsequent bills that may be, that it may be offered in connection with. So at this point in time, without having had an opportunity to discuss this, I cannot support it now on this bill.

Mr. KOSTMAYER. Mr. Chairman, let me just say, no one on either side has seen this until just now. This is not a line-item veto. What this would require is that an entirely freestanding appropriations bill be passed to fund WIPP, that it could not be funded under the energy and water appropriations bill.

I ask my colleagues to vote with the Skeen-Rhodes-Kostmayer alliance. Vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 248, not voting 42, as follows:

[Roll No. 288]

AYES—144

Allard	Gilchrest	Packard
Allen	Gillmor	Paxon
Archer	Goodling	Petri
Armey	Goss	Porter
Bacchus	Gradison	Pursell
Baker	Hall (TX)	Quillen
Ballenger	Hammerschmidt	Ramstad
Barrett	Hancock	Ravenel
Barton	Hastert	Regula
Bateman	Hefley	Rhodes
Bennett	Herger	Riggs
Bereuter	Hobson	Rinaldo
Bilirakis	Holloway	Ritter
Bliley	Hopkins	Roberts
Boehner	Houghton	Rohrabacher
Broomfield	Hubbard	Ros-Lehtinen
Bunning	Hunter	Roth
Burton	Inhofe	Santorum
Callahan	James	Saxton
Camp	Johnson (TX)	Schaefer
Campbell (CA)	Klug	Schulze
Chandler	Kolbe	Sensenbrenner
Clinger	Kyl	Shaw
Coble	Lagomarsino	Shuster
Coleman (MO)	Leach	Smith (NJ)
Combest	Lewis (CA)	Smith (OR)
Cox (CA)	Lewis (FL)	Smith (TX)
Crane	Lightfoot	Snowe
Cunningham	Livingston	Solomon
Dannemeyer	Lowery (CA)	Spence
Davis	Machtley	Stearns
DeLay	Marlenee	Stump
Doolittle	McCandless	Sundquist
Dorgan (ND)	McCollum	Tauzin
Dornan (CA)	McCrery	Taylor (NC)
Dreier	McEwen	Thomas (CA)
Duncan	McGrath	Thomas (WY)
Edwards (OK)	McMillan (NC)	Upton
Emerson	Meyers	Vander Jagt
Erdreich	Michel	Vucanovich
Ewing	Miller (OH)	Walker
Fawell	Miller (WA)	Weber
Fields	Molinari	Weldon
Fish	Moorhead	Wolf
Gallegly	Murphy	Wylie
Gallo	Nichols	Young (FL)
Gekas	Nussle	Zeliff
Gibbons	Oxley	Zimmer

NOES—248

Abercrombie	Chapman	Fascell
Alexander	Clay	Fazio
Anderson	Clement	Flake
Andrews (ME)	Coleman (TX)	Foglietta
Andrews (NJ)	Collins (IL)	Ford (MI)
Andrews (TX)	Collins (MI)	Frank (MA)
Annunzio	Condit	Frost
Anthony	Cooper	Gaydos
Applegate	Costello	Gejdenson
AuCoin	Cox (IL)	Gephardt
Barnard	Coyne	Geren
Beilenson	Cramer	Gilman
Bentley	Darden	Glickman
Berman	de la Garza	Gonzalez
Bevill	DeFazio	Gordon
Bilbray	DeLauro	Grandy
Blackwell	Dellums	Green
Boehlert	Derrick	Guarini
Bonior	Dicks	Gunderson
Borski	Dingell	Hamilton
Boxer	Dixon	Hansen
Brewster	Donnelly	Harris
Brooks	Dooley	Hayes (IL)
Browder	Downey	Hayes (LA)
Brown	Dwyer	Hefner
Bruce	Dymally	Henry
Bryant	Early	Hertel
Bustamante	Edwards (CA)	Hoagland
Byron	Edwards (TX)	Hochbrueckner
Campbell (CO)	Engel	Horn
Cardin	English	Hoyer
Carper	Espy	Huckaby
Carr	Evans	Hughes

Hutto	Morella	Sawyer
Jacobs	Mrazek	Scheuer
Jefferson	Murtha	Schiff
Jenkins	Myers	Schroeder
Johnson (CT)	Nagle	Schumer
Johnson (SD)	Natcher	Serrano
Johnston	Neal (MA)	Sharp
Jones (NC)	Neal (NC)	Shays
Jontz	Nowak	Sikorski
Kanjorski	Oakar	Skaggs
Kaptur	Oberstar	Skeen
Kennedy	Obey	Skelton
Kennelly	Olin	Slattery
Kildee	Olver	Slaughter
Kleczka	Ortiz	Smith (FL)
Kopetski	Orton	Smith (IA)
Kostmayer	Owens (NY)	Spratt
Lancaster	Owens (UT)	Staggers
Lantos	Pallone	Stallings
LaRocco	Panetta	Stark
Laughlin	Parker	Stenholm
Lehman (CA)	Pastor	Stokes
Levin (MI)	Patterson	Studds
Levine (CA)	Payne (NJ)	Swett
Lloyd	Payne (VA)	Swift
Long	Pease	Synar
Lowey (NY)	Pelosi	Tanner
Luken	Penny	Taylor (MS)
Manton	Peterson (MN)	Thomas (GA)
Markey	Pickett	Thornton
Martin	Pickle	Torres
Martinez	Poshard	Traficant
Matsui	Price	Unsoeld
Mavroules	Rahall	Valentine
Mazzoli	Rangel	Visclosky
McCurdy	Reed	Volkmer
McDade	Richardson	Walsh
McDermott	Roemer	Waters
McHugh	Rogers	Waxman
McMillen (MD)	Rose	Weiss
McNulty	Rostenkowski	Wheat
Mfume	Roukema	Whitten
Miller (CA)	Rowland	Williams
Mineta	Roybal	Wise
Mink	Russo	Wolpe
Moakley	Sabo	Wyden
Mollohan	Sanders	Yates
Montgomery	Sangmeister	Yatron
Moody	Sarpalius	Young (AK)
Moran	Savage	

NOT VOTING—42

Ackerman	Hatcher	Perkins
Aspin	Horton	Peterson (FL)
Atkins	Hyde	Ray
Boucher	Ireland	Ridge
Conyers	Jones (GA)	Roe
Coughlin	Kasich	Sisisky
Dickinson	Kolter	Solarz
Durbin	LaFalce	Tallon
Eckart	Lehman (FL)	Torricelli
Feighan	Lent	Towns
Ford (TN)	Lewis (GA)	Traxler
Franks (CT)	Lipinski	Vento
Gingrich	McCloskey	Washington
Hall (OH)	Morrison	Wilson

□ 1957

Mr. NAGLE and Mr. FLAKE changed their vote from "aye" to "no."

Mr. RHODES changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). Are there further amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORRES) having assumed the chair, Mr. MCDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2637) to withdraw lands for the waste isolation pilot plant, and for other purposes, pursuant to House Resolution 494, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. JONTZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 10, not voting 42, as follows:

[Roll No. 289]

AYES—382

Abercrombie	Camp	Dwyer
Alexander	Campbell (CA)	Dymally
Allard	Campbell (CO)	Early
Allen	Cardin	Edwards (CA)
Anderson	Carper	Edwards (OK)
Andrews (ME)	Carr	Edwards (TX)
Andrews (NJ)	Chandler	Emerson
Andrews (TX)	Chapman	Engel
Annunzio	Clay	English
Anthony	Clement	Erdreich
Applegate	Clinger	Espy
Archer	Coble	Evans
Armey	Coleman (MO)	Ewing
AuCoin	Coleman (TX)	Fascell
Bacchus	Collins (IL)	Fawell
Baker	Collins (MI)	Fazio
Ballenger	Combest	Fields
Barnard	Condit	Fish
Barrett	Cooper	Flake
Barton	Costello	Foglietta
Bateman	Cox (CA)	Ford (MI)
Beilenson	Cox (IL)	Frank (MA)
Bennett	Coyne	Frost
Bentley	Cramer	Gallegly
Bereuter	Cunningham	Gallo
Bevill	Dannemeyer	Gaydos
Bilirakis	Darden	Gejdenson
Blackwell	Davis	Gekas
Bliley	de la Garza	Gephardt
Boehlert	DeFazio	Geren
Boehner	DeLauro	Gibbons
Bonior	DeLay	Gilchrest
Borski	Dellums	Gillmor
Boxer	Derrick	Gilman
Brewster	Dickinson	Glickman
Brooks	Dicks	Gonzalez
Broomfield	Dingell	Goodling
Browder	Dixon	Gordon
Brown	Donnelly	Goss
Bruce	Dooley	Gradison
Bryant	Doolittle	Grandy
Bunning	Dorgan (ND)	Green
Burton	Dornan (CA)	Guarini
Bustamante	Downey	Gunderson
Byron	Dreier	Hall (TX)
Callahan	Duncan	Hamilton
Hammerschmidt	McMillan (NC)	Sanders
Hancock	McMillen (MD)	Sangmeister
Hansen	McNulty	Santorum
Harris	Meyers	Sarpalius
Hastert	Mfume	Savage
Hayes (IL)	Michel	Sawyer
Hayes (LA)	Miller (CA)	Saxton
Hefley	Miller (OH)	Schaefer
Hefner	Miller (WA)	Scheuer
Henry	Mineta	Schiff
Herger	Mink	Schroeder
Hertel	Moakley	Schulze
Hoagland	Molinari	Schumer
Hobson	Mollohan	Serrano
Hochbrueckner	Montgomery	Sharp
Holloway	Moody	Shaw
Hopkins	Moran	Shays
Horn	Morella	Shuster
Houghton	Mrazek	Sikorski
Hoyer	Murphy	Skaggs
Hubbard	Myers	Skeen
Huckaby	Nagle	Skelton
Hughes	Natcher	Slattery
Hunter	Neal (MA)	Slaughter
Hutto	Neal (NC)	Smith (FL)
Inhofe	Nichols	Smith (IA)
Jacobs	Nowak	Smith (NJ)
James	Nussle	Smith (OR)
Jefferson	Oakar	Smith (TX)
Jenkins	Oberstar	Snowe
Johnson (CT)	Obey	Solomon
Johnson (SD)	Olin	Spence
Johnson (TX)	Olver	Spratt
Johnston	Ortiz	Staggers
Jones (NC)	Orton	Stallings
Kanjorski	Owens (NY)	Stark
Kaptur	Owens (UT)	Stearns
Kasich	Oxley	Stenholm
Kennedy	Packard	Stokes
Kennelly	Pallone	Studds
Kildee	Panetta	Sundquist
Kleczka	Parker	Swett
Klug	Pastor	Swift
Kolbe	Patterson	Synar
Kopetski	Paxon	Tanner
Kostmayer	Payne (NJ)	Tauzin
Lagomarsino	Payne (VA)	Taylor (MS)
Lancaster	Pease	Taylor (NC)
Lantos	Pelosi	Thomas (CA)
LaRocco	Penny	Thomas (GA)
Laughlin	Peterson (MN)	Thomas (WY)
Leach	Petri	Thornton
Lehman (CA)	Pickett	Torres
Levin (MI)	Pickle	Traficant
Levine (CA)	Porter	Unsoeld
Lewis (CA)	Poshard	Upton
Lewis (FL)	Price	Valentine
Lightfoot	Pursell	Vander Jagt
Livingston	Quillen	Visclosky
Lloyd	Rahall	Volkmer
Long	Ramstad	Walker
Lowery (CA)	Rangel	Walsh
Lowey (NY)	Ravenel	Waters
Luken	Reed	Waxman
Machtley	Regula	Weber
Manton	Rhodes	Weiss
Markey	Riggs	Weldon
Marlenee	Rinaldo	Wheat
Martin	Ritter	Whitten
Martinez	Roberts	Williams
Matsui	Roemer	Wise
Mavroules	Rogers	Wolf
Mazzoli	Rohrabacher	Wyden
McCandless	Ros-Lehtinen	Wylie
McCollum	Rose	Yates
McCrery	Rostenkowski	Yatron
McCurdy	Roth	Young (AK)
McDade	Roukema	Young (FL)
McDermott	Rowland	Zeliff
McEwen	Roybal	Zimmer
McGrath	Russo	
McHugh	Sabo	

NOES—10

Bilbray	Moorhead	Vucanovich
Crane	Richardson	Wolpe
Jontz	Sensenbrenner	
Kyl	Stump	

NOT VOTING—42

Ackerman	Conyers	Ford (TN)
Aspin	Coughlin	Franks (CT)
Atkins	Durbin	Gingrich
Berman	Eckart	Hall (OH)
Boucher	Feighan	Hatcher

Horton	Lipinski	Sisisky
Hyde	McCloskey	Solarz
Ireland	Morrison	Tallon
Jones (GA)	Murtha	Torricelli
Kolter	Perkins	Towns
LaFalce	Peterson (FL)	Traxler
Lehman (FL)	Ray	Vento
Lent	Ridge	Washington
Lewis (GA)	Roe	Wilson

□ 2015

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SPRATT. Mr. Speaker, pursuant to the provisions of House Resolution 494, I call up from the Speaker's table the Senate bill (S. 1671) to withdraw certain public lands and to otherwise provide for the operation of the waste isolation pilot plant in Eddy County, NM, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SPRATT moves to strike all after the enacting clause of the Senate bill, S. 1671, and insert in lieu thereof the provisions of H.R. 2637, as passed by the House, as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Land withdrawal and reservation for WIPP.
Sec. 4. Establishment of management responsibilities.
Sec. 5. Plan for test phase activities; retrieval.
Sec. 6. Test phase activities.
Sec. 7. Disposal operations.
Sec. 8. Issuance of Environmental Protection Agency disposal standards.
Sec. 9. Compliance with environmental standards.
Sec. 10. Ban on high-level radioactive waste and spent nuclear fuel.
Sec. 11. Decommissioning of WIPP.
Sec. 12. Solid Waste Disposal Act; Clean Air Act.
Sec. 13. Economic assistance and miscellaneous payments.
Sec. 14. Transportation.
Sec. 15. Environmental evaluation group.
Sec. 16. Authorizations of appropriations.
Sec. 17. Buy American requirements.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGREEMENT.—The term "Agreement" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification" the August 4, 1987 "Second modification", and the March 18, 1988 "Third modification", or as it may be amended after the date of enactment of this Act, between the State of New Mexico and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265).

(3) CONTACT-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "contact-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate not greater than 200 millirem per hour.

(4) DECOMMISSIONING PHASE.—The term "decommissioning phase" means the period of time beginning with the end of the operations phase and ending when all shafts at the WIPP repository have been back-filled and sealed.

(5) DISPOSAL.—The term "disposal" means permanent isolation of transuranic radioactive waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such waste.

(6) DISPOSAL STANDARDS.—The term "disposal standards" means the environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste to be issued by the Administrator pursuant to section 8.

(7) EEG.—The term "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Pub. L. 100-456; 102 Stat. 1918, 2073).

(8) ENGINEERED BARRIERS.—The term "engineered barriers" means backfill, room seals, panel seals, and any other manmade barrier components of the disposal system.

(9) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

(10) OPERATIONS PHASE.—The term "operations phase" means the period of time, during which transuranic radioactive waste is disposed of at WIPP, beginning with the initial emplacement of transuranic radioactive waste underground for disposal and ending when the last container of transuranic radioactive waste, as determined by the Secretary, is emplaced underground for disposal.

(11) REMOTE-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "remote-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate of 200 millirem per hour or greater.

(12) RETRIEVAL.—The term "retrieval" means the removal of transuranic radioactive waste and the container in which it has been retained and any material contaminated by such waste from the underground repository at WIPP.

(13) SECRETARY.—The term "Secretary", unless otherwise specified, means the Secretary of Energy.

(14) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

(15) TEST PHASE.—The term "test phase" means the period of time, during which test phase activities are conducted, beginning with the initial receipt of transuranic radioactive waste at WIPP and ending when the earliest of the following events occurs:

(A) The conditions described in section 7(b) are met.

(B) The Administrator certifies under section 9(c)(1)(B) that the WIPP facility will not comply with the disposal standards.

(C) The time period described in section 6(c)(5) expires.

(16) TEST PHASE ACTIVITIES.—The term "test phase activities" means the testing and experimentation activities that the Secretary determines to be necessary to determine the suitability of WIPP as a repository for the permanent isolation of transuranic radioactive waste.

(17) TEST PHASE PLAN.—The term "test phase plan" means the Department of Energy WIPP Test Phase Plan: Performance Assessment, dated April 1, 1990, and any revisions to such plan, approved by the Administrator under section 5.

(18) TRANSURANIC RADIOACTIVE WASTE.—The term "transuranic radioactive waste" means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for—

(A) high-level radioactive waste;

(B) waste that the Secretary has determined, with the concurrence of the Administrator, does not need the degree of isolation required by the disposal standards; or

(C) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code of Federal Regulations.

(19) WIPP.—The term "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265) to demonstrate the safe disposal of radioactive waste materials generated by defense programs.

(20) WITHDRAWAL.—The term "Withdrawal" means the geographical area consisting of the lands described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR WIPP.

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.

(2) RESERVATION.—Such lands are reserved for use of the Secretary of Energy for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized activities associated with the purposes of WIPP as set forth in section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1259, 1265), and this Act.

(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.

(c) LAND DESCRIPTION.—

(1) BOUNDARIES.—The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(2) LEGAL DESCRIPTION AND MAP.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and

(B) file copies of the map described in paragraph (1) and the legal description of the

Withdrawal with the Committees on Energy and Natural Resources and Armed Services of the Senate, the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services of the House of Representatives, the Secretary of Energy, the Governor of the State of New Mexico, and the Archivist of the United States.

(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(e) WATER RIGHTS.—This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. No provision of this Act may be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.

SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

(a) GENERAL AUTHORITY.—The Secretary of the Interior shall be responsible for the management of the Withdrawal pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of Energy and the State of New Mexico in discharging such responsibility and any other responsibility required by this Act.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(2) PRIORITY OF WIPP-RELATED USES.—Any use of the Withdrawal for activities not associated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.

(3) NON-WIPP RELATED USES.—The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary of the Interior may permit such non-WIPP related uses of the Withdrawal as the Secretary of the Interior determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:

(A) GRAZING.—The Secretary of the Interior may permit grazing to continue where established before the date of the enactment of this Act, subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws and policies, including—

(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");

(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.).

(B) HUNTING AND TRAPPING.—The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(4) DISPOSAL OF SALT TAILINGS.—The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").

(5) PROHIBITION ON MINING.—No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

(c) CLOSURE TO PUBLIC.—If during the withdrawal made by section 3(a) the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action the Secretary of Energy determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

(d) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

(e) SUBMISSION OF PLAN.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under subsection (b) to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to such Committees and the State of New Mexico.

SEC. 5. PLAN FOR TEST PHASE ACTIVITIES; RETRIEVAL.

(a) REVIEWS OF TEST PHASE PLAN BY SECRETARY.—

(1) ANNUAL REVIEW.—The Secretary shall annually review the test phase plan and propose any revisions required to ensure that all of the proposed activities described in the plan are necessary to demonstrate that the WIPP facility will comply with the final disposal standards.

(2) REQUIRED CONSULTATION.—The Secretary shall conduct any review, and make any required revisions, of the test phase plan in consultation with the National Academy of Sciences, the Administrator, and the EEG.

(b) TEST PHASE ACTIVITIES TO BE CONDUCTED AT WIPP.—

(1) JUSTIFICATION AND TEST PHASE ACTIVITIES.—The test phase plan (and any revisions to such plan) shall—

(A) include justification for all test phase activities to be conducted at WIPP;

(B) specify the quantities and types of transuranic radioactive waste required for such activities; and

(C) be submitted for review and approval to the Administrator.

(2) APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove the test phase plan (and any revisions to such plan). The Administrator shall issue a proposed rule under this paragraph not later than 90 days after receipt of such plan (and revisions).

(B) STANDARD FOR APPROVAL.— The Administrator may approve the test phase plan (and any revisions to such plan) only if the Administrator determines that all of the proposed activities described in such plan (and revisions) are necessary to demonstrate that the WIPP facility will comply with the final disposal standards under section 8.

(c) RETRIEVAL PLAN.—The Secretary shall issue and submit to the Administrator for review a detailed retrieval plan to be implemented by the Secretary under section 6(c)(5) or 9(b)(3). Such plan shall include specific plans for the interim management and storage of any such removed waste and specify the location of such storage. The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove such plan. The Administrator shall issue a proposed rule under this subsection not later than than 90 days after receiving such plan.

(d) REVIEW BY STATE.—

(1) IN GENERAL.—In addition to the review by the Administrator of the test phase plan (or any revisions to such plan) under subsection (b)(2) and the retrieval plan under subsection (c), the Secretary shall submit each plan or revision, as appropriate, subject to review under such subsections to the State of New Mexico for review. The State of New Mexico shall complete its review and specify any disagreement with the plan (or any revisions to such plan) within 90 days of receipt of such plan or revisions.

(2) CONFLICT RESOLUTION.—In the event that the State of New Mexico disagrees with any aspect of any plan or revision to such plan subject to review under paragraph (1), the conflict resolution procedures described in Article IX of the Agreement shall be employed to resolve such disagreement.

(e) WASTE CHARACTERIZATION.—The Secretary shall, after providing notice and an opportunity for public comment, fully characterize all transuranic radioactive waste types at all sites from which wastes are to be shipped to WIPP. The results of such characterization shall be reflected in the test phase plan (and any revisions to such plan) before the Administrator may provide certification under section 9(c)(1)(B).

SEC. 6. TEST PHASE ACTIVITIES.

(a) GENERAL AUTHORITY.—The Secretary is authorized, subject to subsections (b) and (c), to conduct test phase activities in accordance with the test phase plan.

(b) REQUIREMENTS FOR COMMENCEMENT OF TEST PHASE ACTIVITIES.—The Secretary may not transport any transuranic radioactive waste to WIPP to conduct test phase activities under subsection (a) unless the following requirements are met:

(1) FINAL DISPOSAL STANDARDS ISSUED.—The final disposal standards are issued and published in the Federal Register under section 8.

(2) TERMS OF NO-MIGRATION DETERMINATION COMPLIED WITH.—The Administrator has determined that the Secretary has complied with the terms and conditions set forth in paragraphs (5), (6), and (7) of the no migration determination described at page 47,720

of Volume 55, No. 220 of the Federal Register, on November 14, 1990.

(3) RETRIEVAL PLAN APPROVED.—The Secretary has issued and the Administrator has approved the retrieval plan required under section 5(c).

(4) TEST PHASE PLAN APPROVED.—The Administrator has approved the test phase plan (and any revisions to such plan) in accordance with section 5(b)(2).

(5) CONSIDERATION BY STATE.—

(A) REVIEW COMPLETED.—The Secretary has complied with the requirements of section 5(d) and the State of New Mexico has completed its review under such section.

(B) CONFLICT RESOLUTION.—In the event that the conflict resolution procedures described in section 5(d)(2) are employed for any review required under section 5(d)(1), such review shall not be considered complete until the disagreement necessitating the use of such procedures has been resolved in accordance with such procedures.

(6) EMERGENCY RESPONSE TRAINING.—

(A) REVIEW.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has reviewed the emergency response training programs of the Department of Energy that apply to WIPP.

(B) CERTIFICATION.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has certified that emergency response training programs of the Department of Energy that apply to WIPP are in compliance with part 1910.120 of title 29, Code of Federal Regulations.

(7) CERTIFICATION OF SAFETY.—The Secretary has certified that the safety of all test phase activities to be completed at WIPP can be ensured through procedures that would not compromise the type, quantity, or quality of data collected from such test phase activities.

(c) LIMITATIONS.—Test phase activities conducted under subsection (a) shall be subject to the following limitations:

(1) QUANTITY OF WASTE THAT MAY BE TRANSPORTED.—During the test phase, the Secretary may transport to WIPP—

(A) only such quantities of transuranic radioactive waste as the Administrator has determined under section 5(b) are necessary to conduct test phase activities to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) in no event more than 4,250 55-gallon drums of transuranic radioactive waste or ½ of 1 percent of the total capacity of WIPP as described in section 7(a), whichever is less.

(2) REMOTE-HANDLED WASTE.—

(A) TRANSPORTATION AND EMPLACEMENT.—The Secretary may not transport to or emplace remote-handled transuranic radioactive waste at WIPP during the test phase.

(B) STUDY.—

(i) IN GENERAL.—Within 2 years after the date of the enactment of this Act, the Secretary shall complete a study on remote-handled transuranic radioactive waste in consultation with affected States, the Administrator, and after the solicitation of views of other interested parties.

(ii) REQUIREMENTS OF STUDY.—Such study shall include an analysis of the impact of remote-handled transuranic radioactive waste on the performance assessment of WIPP and a comparison of remote-handled transuranic radioactive waste with contact-handled transuranic radioactive waste on such issues as gas generation, flammability, explosivity, solubility, and brine and geochemical interactions.

(iii) PUBLICATION.—The Secretary shall publish the findings of such study in the Federal Register.

(iv) REVISION.—Unless such study finds that remote-handled transuranic radioactive waste requires no additional precautions for disposal in WIPP, the Secretary shall revise the test phase plan to require testing of remote-handled transuranic radioactive waste subject to subparagraph (A).

(3) ANNUAL CERTIFICATIONS OF RETRIEVABILITY.—Beginning 1 year after the initial emplacement of transuranic radioactive waste underground at WIPP under subsection (a), and continuing annually throughout the test phase, the Secretary shall certify and the Administrator shall concur that all waste emplaced underground at WIPP remains and will remain fully retrievable during the test phase.

(4) STABILITY OF ROOMS USED FOR TESTING.—Transuranic radioactive waste may be emplaced in mined rooms in the underground repository at WIPP to conduct test phase activities only after the Secretary of Labor, acting through the Mine Safety and Health Administration, has certified to the Secretary of Energy that such rooms will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities.

(5) COMPLIANCE WITH DISPOSAL STANDARDS.—If, upon the expiration of the 10-year period beginning on the date of the enactment of this Act, the Administrator has not certified under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

SEC. 7. DISPOSAL OPERATIONS.

(a) CAPACITY OF WIPP FACILITY.—The Secretary may dispose of not more than 5.6 million cubic feet of contact-handled transuranic radioactive waste and 95,000 cubic feet of remote-handled transuranic radioactive waste in WIPP.

(b) COMMENCEMENT OF DISPOSAL OPERATIONS.—The Secretary may commence emplacement of transuranic radioactive waste underground for disposal at WIPP only upon completion of—

(1) the Administrator's certification under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards;

(2) the submission to the Congress by the Secretary and the Secretary of the Interior, respectively, of plans for decommissioning WIPP and post-decommissioning management of the withdrawal under section 11;

(3) the expiration of the 180-day period beginning on the date on which the Secretary notifies the Congress that all permits and certifications required for disposal operations to begin have been received;

(4) Nuclear Regulatory Commission certification as described in section 14(a) of a container for transporting remote-handled transuranic radioactive waste to WIPP;

(5) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines pursuant to the authority under section 9(a), 9(b), or 9(c) of this Act and section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) that such acquisition is not required; and

(6) the submittal to the Congress by the Secretary of comprehensive recommendations for the disposal of all transuranic radioactive waste under the control of the Secretary, including a timetable for the disposal of such waste.

SEC. 8. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS.

The Administrator shall issue, not later than 6 months after the date of the enactment of this Act, final environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste.

SEC. 9. COMPLIANCE WITH ENVIRONMENTAL STANDARDS.

(a) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—

(1) APPLICABILITY.—The Secretary shall, during the test phase, the operations phase, and the decommissioning phase, comply with respect to WIPP, with—

(A) the Environmental Protection Agency standards for the management and storage of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste described in subpart A of part 191 of title 40, Code of Federal Regulations;

(B) the Clean Air Act (40 U.S.C. 7401 et seq.);

(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(D) title XIV of the Public Health Service Act (the Safe Drinking Water Act) (42 U.S.C. 300f et seq.);

(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(F) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(G) all regulations promulgated under the laws described in subparagraphs (B) through (F); and

(H) all other applicable Federal laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment and all applicable State and local laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment.

(2) PERIODIC OVERSIGHT BY ADMINISTRATOR AND STATE OF NEW MEXICO.—The Secretary shall, not later than 2 years after the date of the enactment of this Act, and biennially thereafter, submit documentation of continued compliance with the laws, regulations, and standards described in subparagraphs (A), (B), (D), (E), (F), (G), and (H) of paragraph (1), to the Administrator, and with the law described in paragraph (1)(C) and any regulations promulgated thereunder, to the State of New Mexico.

(3) CONCURRENCE OF ADMINISTRATOR.—The Administrator by rule pursuant to chapter 5 of title 5, United States Code, or the State of New Mexico, as appropriate, shall determine not later than 6 months after receiving a submission under paragraph (2) whether the Secretary is in compliance with the laws, regulations, and standards described in paragraph (1) with respect to WIPP.

(b) DETERMINATION OF NONCOMPLIANCE DURING TEST PHASE.—

(1) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines at any time during the test phase that—

(A) the WIPP facility will not comply with the disposal standards under subsection (c)(1)(B);

(B) the Secretary is not conducting test phase activities involving underground emplacement of transuranic radioactive waste in a manner that allows the waste to be

readily retrieved as required by condition (4) of the no-migration determination described at page 47,720 of volume 55, No. 220 of the Federal Register, on November 14, 1990;

(C) conditions at the WIPP facility do not allow the waste to be readily retrieved as required by such condition; or

(D) the WIPP facility does not comply with any law, regulation, or standard described in subsection (a)(1);

the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(2) DETERMINATION BY STATE.—If the State of New Mexico determines at any time during the test phase that the Secretary has not complied with the standards applicable to owners and operators of hazardous waste, treatment, storage, and disposal facilities under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) with respect to activities at WIPP, the State of New Mexico shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.

(3) IMPLEMENTATION OF RETRIEVAL PLAN.—If a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1) or (2), or if the Administrator or the State of New Mexico, as appropriate, finds any such remedial plan to be inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

(c) DISPOSAL STANDARDS.—

(1) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL.—Before any transuranic radioactive waste may be emplaced underground at WIPP for disposal under section 7(b)—

(A) the Secretary shall have submitted sufficient documentation to the Administrator to demonstrate that the WIPP facility will comply with the disposal standards; and

(B) the Administrator shall have certified by rule pursuant to chapter 5 of title 5, United States Code, that the WIPP facility will comply with the disposal standards.

(2) PERIODIC RECERTIFICATION.—

(A) BY SECRETARY.—During the period beginning 2 years after the initial receipt of transuranic radioactive waste for disposal at WIPP and ending at the end of the decommissioning phase, the Secretary shall biennially demonstrate that the WIPP facility will comply with the disposal standards and submit documentation of such demonstration to the Administrator.

(B) CONCURRENCE OF ADMINISTRATOR.—The Administrator shall, not later than 6 months after receiving a submission under subparagraph (A), determine whether or not the WIPP facility will comply with the disposal standards.

(3) LIMITATION.—Any determination of the Administrator under paragraph (1)(B) or (2)(B) may only be made after the documentation is submitted to the Administrator under paragraph (1)(A) or (2)(A), respectively.

(4) ENGINEERED AND NATURAL BARRIERS.—The Secretary shall use both engineered and natural barriers at WIPP to isolate transuranic radioactive waste after disposal to the extent necessary to comply with the disposal standards.

(d) DETERMINATION OF NONCOMPLIANCE DURING OPERATIONS PHASE AND DECOMMISSIONING PHASE.—

(1) REMEDIAL PLANS.—

(A) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—If, during the operations phase or decommissioning phase, the Administrator, or the State of New Mexico, as appropriate, determines after any submission under subsection (a)(2), that the Secretary has not demonstrated compliance with any regulatory requirement described in such subsection, the Administrator, or the State of New Mexico, as appropriate, shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate compliance with such regulatory requirement.

(B) DISPOSAL STANDARDS.—If, during the operations phase or decommissioning phase, the Administrator determines under subsection (c)(2)(B), that the WIPP facility will not comply with the disposal standards, the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate that the facility will comply with such standards.

(2) CONSEQUENCES OF NONCOMPLIANCE DURING OPERATIONS PHASE OR DECOMMISSIONING PHASE.—If a plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1)(A) or (1)(B), or the Administrator or the State of New Mexico, as appropriate, finds any such plan inadequate to demonstrate compliance with such regulatory requirement—

(A) the Secretary shall retrieve, to the extent practicable, any transuranic radioactive waste and any material contaminated by such waste from underground at WIPP;

(B) the Secretary or the Secretary of the Interior, as appropriate, shall implement the decommissioning and post-decommissioning plans under section 11; and

(C) following completion of such retrieval and implementation of such plans, the land withdrawal made by section 3(a) shall terminate.

(e) ISSUANCE OF REGULATIONS.—The Administrator shall issue regulations not later than 6 months after the date of the enactment of this Act governing the approval of a test phase plan under section 5(b), periodic oversight under subsection (a)(2), the certification and recertification processes under subsections (c)(1)(B) and (c)(2)(B), respectively, and the retrieval process required under subsection (d)(2). Such regulations shall provide opportunities for public participation in such processes.

(f) SAVINGS PROVISION.—The authorities provided to the Administrator and the State pursuant to this section are in addition to the enforcement authorities available to the State pursuant to State law and to the Administrator, the State, and any other person, pursuant to the Solid Waste Disposal Act and the Clean Air Act.

SEC. 10. BAN ON HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

The Secretary may not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.

SEC. 11. DECOMMISSIONING OF WIPP.

(a) PLAN FOR WIPP DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate; the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs of the House of Representatives; the State of New Mexico; the Secretary of the Interior; and the Administrator a plan to be implemented by the Secretary for decommissioning WIPP. In addition to activities required under the Agreement, the plan shall conform to the disposal standards that apply to WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of such plan.

(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary of the Interior shall develop a plan to be implemented by the Secretary of the Interior for the management and use of the Withdrawal following the decommissioning of WIPP and the termination of the land withdrawal made by section 3(a). The Secretary of the Interior shall consult with the Secretary and the State of New Mexico in the preparation of such plan and shall submit such plan to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives.

SEC. 12. SOLID WASTE DISPOSAL ACT; CLEAN AIR ACT.

No provision of this Act may be construed to supersede or modify the provisions of the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 13. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS.—

(1) IN GENERAL.—The Secretary may, to such extent and for such amounts as are provided in advance in appropriation Acts, provide payments to the State of New Mexico to assist the State and its affected units of local government in mitigating the potential environmental, social, transportation, economic and other impacts resulting from WIPP. Payments under this paragraph—

(A) may not, in the aggregate, exceed $40,000,000; and

(B) shall be made from the $40,000,000 appropriated under Public Law 102–27 (105 Stat. 130, 141) and the Energy and Water Development Appropriations Act, 1992 (Pub. L. 102–104; 105 Stat. 510, 529).

(2) PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, WIPP. The portion of payments provided to local governments, the identification of local governments to receive payments, and the amount of payment to each local government shall be based on a State assessment of needs, conducted in consultation with affected units of local government and based upon the demonstration of local impacts by the affected local governments.

(3) MEDICAL EMERGENCY PREPAREDNESS PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used for the equipment and training needs of the health care community for purposes of responding to emergencies arising from the operation of WIPP or the transportation of transuranic radioactive waste to WIPP.

(4) ECONOMIC IMPACT MONITORING FUNCTION.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used to establish a Socioeconomic Impact Monitoring Group within the Waste

Management Education and Research Consortium to undertake an annual review of activities at WIPP.

(b) WIPP-RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES.—To the maximum extent practicable, the Secretary shall continue to encourage business and employment opportunities related to WIPP that may be conducive to the economy of the State of New Mexico, especially Lea and Eddy counties, and report annually to the State of New Mexico on these activities.

SEC. 14. TRANSPORTATION.

(a) SHIPPING CONTAINERS.—No transuranic radioactive waste may be transported by or for the Secretary to or from WIPP, except in packages that have been certified for the transportation of transuranic radioactive waste by the Nuclear Regulatory Commission and have satisfied the Nuclear Regulatory Commission's quality assurance provisions.

(b) ACCIDENT PREVENTION AND EMERGENCY PREPAREDNESS.—

(1) TRAINING.—

(A) IN GENERAL.—In addition to activities required pursuant to the December 27, 1982, Supplemental Stipulated Agreement, the Secretary shall provide technical assistance for the purpose of training public safety officials, and other emergency responders as described in part 1910.120 of title 29, Code of Federal Regulations, in any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic radioactive waste to or from WIPP. Within 30 days of the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and to the States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic radioactive waste on the training provided through fiscal year 1992.

(B) ONGOING TRAINING.—If determined by the Secretary, in consultation with affected States and Indian tribes, to be necessary and appropriate, training described in subparagraph (A) shall continue after the date of the enactment of this Act until the transuranic radioactive waste shipments to or from WIPP have been terminated.

(C) REVIEW OF TRAINING.—The Secretary shall periodically review the training provided pursuant to subparagraph (A) in consultation with affected States and Indian tribes.

(D) COMPONENTS OF TRAINING.—The training provided pursuant to subparagraph (A) shall cover procedures required for the safe routine transportation of transuranic radioactive waste, as well as procedures for dealing with emergency response situations, including—

(i) instruction of government officials and public safety officers in procedures for the command and control of the response to any incident involving the waste;

(ii) instruction of emergency response personnel in procedures for the initial response to an incident involving transuranic radioactive waste being transported to or from WIPP;

(iii) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving transuranic radioactive waste being transported to or from WIPP; and

(iv) a program to provide information to the public about the transportation of transuranic radioactive waste to or from WIPP.

(2) EQUIPMENT.—The Secretary may enter into agreements to assist States through contributions in-kind, in acquiring equipment for response to an incident involving transuranic radioactive waste transported to or from WIPP.

(c) SANTA FE BYPASS.—No transuranic radioactive waste may be transported from the Los Alamos National Laboratory to WIPP until—

(1) all of the funds necessary for the cost of construction of the Santa Fe bypass have been appropriated by the Congress or the State of New Mexico; or

(2) the Santa Fe bypass has been completed.

(d) STUDY OF TRANSPORTATION ALTERNATIVES.—

(1) IN GENERAL.—The Secretary shall conduct a study comparing the shipment of transuranic radioactive waste to the WIPP facility by truck and by rail, including the use of dedicated trains, and shall submit a report on the study in accordance with paragraph (2). Such report shall include—

(A) a consideration of occupational and public risks and exposures, and other environmental impacts;

(B) a consideration of emergency response capabilities;

(C) an estimation of comparative costs; and

(D) findings and recommendations with respect to—

(i) the most appropriate routes for transporting transuranic radioactive waste to WIPP based on the foregoing considerations; and

(ii) necessary or appropriate measures to minimize the potential risks to public health and safety and the environment of transporting transuranic radioactive waste along such routes, taking into consideration weather, other natural conditions or hazards, and other relevant criteria.

(2) IMPLEMENTATION OF STUDY RECOMMENDATIONS.—The Secretary, in consultation with affected States and Indian tribes, shall implement the recommendations made under paragraph (1)(D) to the extent practicable. The Secretary shall certify such implementation to the Congress prior to the transportation of transuranic radioactive waste to WIPP for disposal.

(3) REPORT.—The report required in paragraph (1) and the certification required in paragraph (2) shall be submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than July 1, 1993.

(4) FUNDING.—Of appropriated amounts described in section 13(a)(1)(B), the Secretary shall use an amount not to exceed $300,000 to carry out the study required under this subsection.

SEC. 15. ENVIRONMENTAL EVALUATION GROUP.

(a) ACCESS TO DATA, REPORTS AND MEETINGS.—The Secretary shall—

(1) provide the EEG with free and timely access to data relating to WIPP produced or obtained by the Secretary or contractors of the Secretary;

(2) provide the EEG with preliminary reports relating to WIPP; and

(3) permit the EEG to attend meetings relating to WIPP with expert panels, peer review groups, and appropriate Federal agencies.

(b) EVALUATION AND PUBLICATION.—The EEG may evaluate and publish analyses of the Secretary's plans for test phase activities, monitoring, transportation, operations, decontamination, retrieval, performance assessment, compliance with Environmental Protection Agency standards, decommissioning, safety analyses, and other activities relating to WIPP.

(c) CONSULTATION AND COOPERATION.—The Secretary shall consult and cooperate with the EEG in carrying out the requirements of this section.

SEC. 16. AUTHORIZATIONS OF APPROPRIATIONS.

(a) FOR ADMINISTRATOR.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and such sums as may be required for fiscal years 1995 through 2001.

(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of and resources required for the fulfillment of the Administrator's responsibilities under this Act.

(b) TRANSFERS FROM SECRETARY TO ADMINISTRATOR AND MSHA.—The Secretary is authorized to transfer from amounts appropriated for environmental restoration and waste management for fiscal years 1992 and 1993, and (to the extent approved in appropriation Acts) for fiscal years 1994 through 2001, such sums as may be useful for the purpose of assisting in the fulfillment of the responsibilities of the Administrator under this Act and the Mine Safety and Health Administration under section 6(c)(4).

(c) ACQUISITION OF LEASEHOLD.—There are authorized to be appropriated to the Secretary such sums as may be necessary to acquire the 1,600 acre potash leasehold within the Withdrawal, comprising a portion of Federal Potash Lease No. NM 0384584, and the Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C.

SEC. 17. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with section 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read as follows: "An act to withdraw lands for the waste isolation pilot plant, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2637) was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 1671, WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the Senate bill, S. 1671, the Clerk be authorized to correct section numbers, cross-references, citations, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2637 and S. 1671.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. PETERSON of Florida. Mr. Speaker, I was granted an official leave of absence as a result of my wife's illness. Therefore, I was unable to make rollcall votes 285 to 289.

Had I been here, I would have voted "aye" for rollcall No. 285, to disapprove MFN status for China; "aye" for rollcall No. 286, H.R. 5318; "aye" for rollcall No. 287, the Richardson amendment to H.R. 2637; "nay" for rollcall No. 288, the Walker amendment to H.R. 2637; and "aye" for rollcall No. 289, final passage of H.R. 2637.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, I was unable, unfortunately, to be present for rollcall votes 285 to 288. Had I been present, I would have voted for passage of both H.R. 5318, setting conditions on most-favored-nation status for China in 1992, and for H.R. 2367, the Waste Isolation Pilot Plant Land Withdrawal Act. I also would have voted against the amendment to H.R. 2367 offered by Mr. WALKER, and in favor of the amendment to the same bill offered by Mr. RICHARDSON.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST AND DURING CONSIDERATION OF H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-683) waiving certain points of order against and during consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NATIONAL DARE DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 295) designating September 10, 1992, as "National DARE Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I rise in support of House Joint Resolution 486, designating September 10, 1992, as "National Drug Abuse Resistance Education Day," and I want to commend the gentleman from California [Mr. LEVINE] for his leadership in bringing this measure to the floor of the House for consideration.

House Joint Resolution 486 commends the hard work and dedication of concerned parents, youth, law enforcement officers, educators, business leaders, religious leaders, private sector organizations, and Government leaders for their efforts to help achieve a drug-free America, and it encourages anti-drug educational activities.

I can assure my colleagues that this resolution, which I am pleased to have cosponsored, represents an additional effort to raise the public's consciousness as to the dangers of drug abuse and to develop an attitude of intolerance to the use of illicit drugs.

If our Nation is to win the war against drug abuse, then attitudes regarding the use of illicit drugs must be changed and the public must reject these deadly drugs. House Joint Resolution 486 is an important step in that direction. Accordingly, Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LEVINE of California. Mr. Speaker, I rise today to ask my colleagues to join in support of Senate Joint Resolution 295, designating September 10, 1992, National Drug Abuse Resistance Education Day. I introduced identical legislation with my distinguished colleague from Virginia, FRANK WOLF, because the DARE Program has experienced incredible success in turning back the tide of drug abuse and violence that accompanies the drug culture. Educating our children about the dangers of drug abuse, and empowering them with the ability to resist this plague is what DARE has been doing successfully since its creation in 1983.

Unlike traditional drug abuse programs, DARE places its emphasis on resistance. DARE's objective is to provide young people with the skills to recognize and resist the subtle and overt pressures that lead to experimentation with drugs and alcohol. By placing particular attention on teaching assertive response styles, resistance techniques, how to evaluate risk-taking behavior and its consequences, and by working with students to build their level of self-esteem, DARE gives children the knowledge of how to say "no."

The DARE Program consists of a 17-week curriculum, taught once a week over the course of a semester. The program is designed with four levels that target children at various ages through their schooling. In kindergarten through the fourth grade, the groundwork is laid for the core classes taught to fifth and sixth graders. In junior high, lessons are reinforced, and at the high school level, students are taught skills which will help keep them drug-free in adulthood.

DARE classes are taught by veteran police officers who every day see the tragedies and crime caused by drug abuse. Each officer completes a special 2-week training program which includes instruction on teaching techniques, officer-school relationships, development of self-esteem, child development, and communication skills before entering the classroom. Police officers offer their professional perspective on what happens on the street and give students practical lessons in how to resist drugs. DARE provides a unique opportunity for law enforcement, teachers, and school administrators to fight the drug crisis together.

Research has shown that the students, numbering more than 25 million, currently in the DARE Program across the United States and worldwide are achieving the skills necessary to live a life free from drugs. In a recent survey of DARE students, a full 78 percent indicated that the program has given them the tools on how to say "no." Similarly, a parent survey taken by the Los Angeles unified school district showed how parents felt more able to positively influence their children to resist drugs. Before DARE presentation, 61 percent of parents thought there was nothing that they could do to prevent their children from using drugs. After the presentation, only 5 percent of the parents still held this belief.

The benefits of DARE go well beyond teaching students to resist drugs. It has also contributed to improving study habits and grades; decreased truancy, vandalism, and gang activity; improved relations between ethnic groups; and fostered a more positive outlook on the part of students toward police and school.

DARE has become one of our most effective weapons in combating drug abuse among our Nation's youth. It has set a national standard for drug education programs because it is innovative, cost-effective, and it works. It offers students and their parents on the front lines of the drug crisis a beacon of hope. I am pleased to present this legislation, and ask my colleagues to join me in support of this vital and valuable program.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 295

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to twenty million youths in grades K-12;

Whereas D.A.R.E. is taught in more than two hundred thousand classrooms reaching all fifty States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico and Department of Defense Dependent Schools worldwide;

Whereas D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decisionmaking skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. Program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches the D.A.R.E. Program completes eighty hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 10, 1992, is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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NATIONAL REHABILITATION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 411) to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I rise in support of House Resolution 411, a joint resolution designating the week beginning September 13, 1992, as "National Rehabilitation Week." I would like to commend the gentleman from Pennsylvania [Mr. MCDADE] for introducing this important measure.

Millions of Americans with disabilities are leading fuller, more independent, and productive lives due to the variety of rehabilitative services available in our Nation.

Rehabilitation is a collaborative process that involves health care providers, therapists, educators, employers, and many others. With today's advances in technology, as well as the passage of the Americans with Disabilities Act people with disabilities have been able to overcome many of the physical barriers that once prevented them from participating in the mainstream of American life.

Therefore, I urge my colleagues to take a moment to recognize the courage and determination of persons with disabilities by supporting this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 411

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 13, 1992, through September 19, 1992, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue a proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THOMAS PAINE: RECOGNITION LONG OVERDUE

Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, in recent years we have seen democracy take hold throughout the world—in Central America, Eastern Europe, and the former Soviet Union. Indeed, we still strive to spread these democratic ideals to other nations whose people have been deprived of the rich rewards of liberty and democracy.

However, as we work to spread democracy abroad, we must not forget the origins of the democratic ideals on which our Nation was founded. Thomas Paine was an early and effective advocate for freedom and human rights. Through his influential writings, he championed the ideals of democracy that became the foundation for our young Nation and which still today provide the basis for our Nation's strength.

In 1776, Paine said: "We have it in our power to begin the world again." In his brilliant work, "Common Sense" Thomas Paine asserted the right of humankind to create a destiny based on democracy and human rights. He was right then, and his words are just as true in 1992.

Thomas Paine was a true patriot. Indeed, he was the philosophical and intellectual father of our democracy. Paine was the first to eloquently call for independence. His words were an inspiration to many, and his impassioned arguments fueled the movement which culminated in the Declaration of Independence.

At one of the darkest hours of the Revolutionary War, it was Thomas

Paine who rallied the troops to the cause. Writing on the head of a marching drum, he wrote "these are the times that try men's soul."

Despite the important role that Thomas Paine played in the development of our democracy, there is no monument recognizing his contributions to our society in the Nation's Capital. My bill, H.R. 1628, will correct this oversight. H.R. 1628 will authorize construction of a monument to Thomas Paine in the District of Columbia at no expense to the taxpayer. The Thomas Paine National Historical Association, based in New Rochelle, NY, which has provided important leadership in promoting Thomas Paine's legacy, will raise all of the necessary funds.

Mr. Speaker, Thomas Paine lived in New Rochelle, NY, in a cottage awarded him by the New York State Legislature in honor of his service to the country during the Revolutionary War. The cottage, a national landmark, is maintained by the Thomas Paine National Historical Society, and is a source of immense pride to the community. I know the good people of New Rochelle and the Thomas Paine National Historical Association join me in moving forward this long overdue honor for Thomas Paine. I appreciate my colleagues' strong support for this important effort to celebrate our history and recognize one of our true heroes.

Without Thomas Paine's unyielding belief in individual liberties and justice, our Nation would not be the beacon of hope and opportunity that it is today. Today, in passing this legislation, we make it possible for generations of Americans to understand fully the key role Thomas Paine played in the birth of our Nation. Today we reaffirm our dedication to the principles for which he stood.

ANNUAL REPORT ON FEDERAL ACTIONS RELATIVE TO CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

To the Congress of the United States:

As required by section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, as amended (42 U.S.C. 8373(c)), I hereby transmit the 13th annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

EXTENSION OF NATIONAL EMERGENCY RELATIVE TO IRAQ AS REQUIRED BY NATIONAL EMERGENCIES ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-363)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1992, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

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AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-362)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The agreement was signed at Luxembourg on February 12, 1992.

The United States-Luxembourg agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services, explaining the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. In addition, as required by section 233(e)(1) of the Social Security Act, a report on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement is also enclosed. I note that the Department of State and the Department of Health and Human Services have recommended the agreement and related documents to me.

I commend the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

STOP FEDERAL AID TO GOVERNMENTS THAT ALLOW ILLEGAL ALIENS TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, today I am introducing a bill to prohibit Federal financial assistance to State and local governments that extend the right to vote to undocumented aliens.

This is the ninth bill I have introduced to stop the flow of illegal immigrants into the United States. All of these proposals are designed to eliminate practices or policies which have had the effect of encouraging aliens to enter our country illegally and are imposing an increasingly heavy burden on our communities and citizens and on State and local governments in many areas of the United States.

The Federal Government has complete authority to establish immigration policy for the

United States and to control the entry and flow of immigrants into this country. Pursuant to that authority, the Congress has imposed restrictions on immigration, including sanctions on employers who hire illegal aliens and prohibitions and restrictions on alien eligibility for most Federal welfare and benefit programs.

Estimates vary as to the number of undocumented aliens residing in the United States today and the costs to the taxpayers of providing benefits to these illegals. The Immigration and Naturalization Service estimates that the record 1.7 million apprehensions of illegal aliens prior to the enactment of the 1986 immigration reform law will be exceeded this year and that for every one illegal they pick up at the border two others get away. Thus, we can expect over 3 million additional people will enter our country illegally this year alone, seeking work, welfare and free emergency and pregnancy services to survive, and contributing to local government's burden of providing health, medical care, child care, education, police, employment, welfare, and other public services. The Center for Immigration Studies estimates that U.S. taxpayers in 1990 paid at least $5.4 billion in direct Government benefits for illegal aliens nationwide. That rough cost estimate could well be exceeded this year.

For a State or local government to extend the franchise to illegal immigrants will only exacerbate the problem. By entering the United States illegally, these aliens have committed an unlawful act, and they should not be able to profit from that act. Undocumented aliens should not be permitted to cast ballots for those who promise to provide them more free handouts and services and represent their interests. Immigrants will never understand or appreciate the benefits of citizenship if they can circumvent the legal requirements for obtaining citizenship. Moreover, our communities can no longer absorb these people.

Today, government lacks the resources to be able to provide benefits and services to illegals without also limiting assistance to poor and needy citizens and legal immigrants and their families. To enable illegals to take advantage of taxpayer funded programs to which they are not entitled will work unfairly to the detriment of those American families who are eligible and deserving of such assistance.

In my opinion, allowing the direct participation by undocumented aliens in State and local affairs is contrary to the public interest. For State or local officials to permit, by referendum, by secret ballot, or by any other means, illegal immigrants to vote in elections is to undermine the long-held congressional view of the Nation's welfare. Finally, permitting illegals to vote will necessarily weaken the voting rights of minority groups, especially Hispanic and African-Americans, protected under the 14th and 15th amendments of the Constitution and will dilute the power and influence that such groups of citizens exert on the political process of our Nation.

Thus, while suffrage is ordinarily a matter left to State and local governments, and very few communities have extended or threatened to extend the vote to undocumented aliens, I believe that extraordinary measures are needed to stop the invasion of this country by illegals. Cutting off all Federal aid to those governments which have granted the right to vote to undocumented aliens, until that vote is rescinded, is well within the authority of Congress and consistent with the public interest.

Mr. Speaker, I ask that the text of this bill be printed in the RECORD. I call on my colleagues to support this legislation and to crack down on illegal immigration as firmly and as swiftly as possible.

H.R. 5625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The Constitution empowers Congress to provide for the Nation's common defense and general welfare.

(2) The ability to provide for the general welfare permits Congress in the exercise of its spending power to impose strict conditions on the expenditures and grants of Federal funds to the States and local communities.

(3) The Federal Government has plenary authority to regulate the entry and flow of immigrants into the United States and provide conditions for their residence in this country.

(4) The Congress has imposed detailed restrictions on immigration, prohibitions and limitations on alien eligibility for a wide range of Federal benefit programs.

(5) Allowing the direct participation by undocumented aliens in State and local affairs would be contrary to the public interest and would undermine the Congressional view of the nation's welfare.

(6) Granting the election franchise to undocumented aliens in State and local elections would enable such aliens to take advantage of Federally funded assistance and other benefits and services to which they are not entitled to the disadvantage of poor and needy citizens and aliens lawfully admitted to the United States and their families who are eligible.

(7) Permitting undocumented aliens to vote in State and local elections will necessarily undermine the voting rights of blacks and other minority groups protected under the 14th and 15th Amendments to the Constitution and will dilute the influence such groups exert on the political process.

SEC. 2. LIMITATION ON FEDERAL ASSISTANCE TO JURISDICTIONS THAT EXTEND THE RIGHT TO VOTE TO UNDOCUMENTED ALIENS.

Notwithstanding any of the provision of law, for fiscal years after 1992, no Federal financial assistance may be paid to a State or local government under any provision of law during any period for which such State or local government extends the right to vote to undocumented aliens.

REPORT ON ACCIDENT INVOLVING V–22 OSPREY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, the gentleman from Texas [Mr. GEREN] will tie his 5-minute special order in with mine in a report to Congress about the tragic accident of the V–22 Osprey yesterday at Quantico.

Mr. Speaker, I thank my friend from Texas [Mr. GEREN] for joining me on this sad day as we report to our colleagues in the House and the other body that seven brave Americans lost their lives yesterday in the tragic crash of Aircraft No. 4 in the V–22 Osprey tiltrotor technology program as Aircraft No. 4 was about to complete its mission, flying from an Air Force base in Florida where it had undergone extensive environmental testing to the Quantico base in Virginia.

The individuals who died in that aircraft will long be remembered, and the gentleman from Texas [Mr. GEREN] and I will both be paying further tribute to these individuals as their full identities are revealed to their families. We understand there is one family that has not yet been fully notified. But we wanted to pay tribute tonight to them, and at the same time talk about their mission in working on what has been called America's airplane, the newest technological breakthrough in aviation since the jet engine, the tiltrotor aircraft being designed for our Marine Corps by the Bell-Boeing team.

Mr. Speaker, at this point in time I would like to acknowledge my good friend and colleague from Texas [Mr. GEREN] for a few moments. He will be sharing the podium tonight for the next 10 minutes.

Mr. GEREN of Texas. Mr. Speaker, I thank my friend from Pennsylvania for yielding.

Mr. Speaker, yesterday there was a terrible tragedy. Seven Americans lost their lives, three marines and four civilians who were aboard a V–22 aircraft. It was a terrible tragedy.

There are very few exceptions to the experience of our military in bringing aircraft into production, very few exceptions to the experience that death often accompanies the pushing forward of the frontiers of aviation technology.

Up until yesterday the V–22 had served as an exception. Over the 20 years of development of this program there has been accidents, but until yesterday, no loss of life.

As Members of Congress who have supported this program we extend our condolences to the families of the loved ones of these seven citizens who have worked and devoted their lives to serving their country. It is a great tragedy that they lost their lives yesterday, and, Mr. Speaker, it is fitting that we in Congress pay tribute to them for their contribution to our country and offer our condolences and sympathy to the families for the terrible loss they suffered yesterday.

Mr. WELDON. Mr. Speaker, there have been many questions of our colleagues today of the gentleman from Texas [Mr. GEREN] and I and others about the status of the accident and the investigation and the followup program that has been stalled now as we halt future air testing until we have a full investigation of this incident.

What we do know at this time is Aircraft No. 4 had accumulated a total of

103 hours in the air during 93 separate flights with no problems. When the aircraft left Florida yesterday afternoon there were no problems. There was no hesitation on the part of the crew.

In constant radio contact from Florida to Quantico, there were additionally no problems uncovered. A fly-by was done of Quantico, and on the approach to the Quantico landing strip, that is when the aircraft encountered problems and dropped into the Potomac, with the resultant loss of life.

Up until this point in time, as my colleague from Texas indicated, the V–22 test fleet had completed 762 hours during a total of 643 separate flights, revolutionary technology, breaking through a whole new generation of capability in terms of aviation, not just for our military, but for the entire commercial aviation community around the world.

Unfortunately, No. 4 went down, and with it these lives were lost. We have pledged to our colleagues, both Mr. GEREN and myself, Congressman MURTHA, as well as Congressman ASPIN, that there will be a full and complete investigation. We will get to the bottom of why this accident occurred.

If it is in fact a technology problem, then we will have to deal with that issue. Despite the fact that this aircraft has flown almost 800 hours, we will be looking very closely at whether or not it is a technology-based problem. More than likely it will be a problem with a specific manufactured component or the manufacturing process itself, or perhaps pilot or human error. We will not know that until a complete and exhaustive investigation has been completed.

But knowing these pilots and these men that worked on this aircraft, one of them being from my hometown in Pennsylvania, I would know that they would want us to move forward with this revolutionary technology. Once we have determined the cause and corrected that problem, we will move forward and will in fact complete the production of this vital aviation technology.

Mr. Speaker, I want to thank my colleague from Texas [Mr. GEREN]. I appreciate his paying tribute to the Boeing employees as well as the marines who lost their lives today.

FURTHER REPORT ON ACCIDENT INVOLVING V–22 OSPREY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GEREN] is recognized for 5 minutes.

Mr. GEREN of Texas. Mr. Speaker, in the aftermath of the tragedy yesterday, everyone in Congress and people all over America are asking what happened and asking what are the implications for the future of the program in the wake of this terrible tragedy. It is important that Congress understand at this point that we all have questions, that we do not have many answers, and it is critical that we not try to rush to judgment and make assumptions about what happened and make assumptions about the future of the program.

There will be a full investigation. I can assure Members that I and the gentleman from Pennsylvania [Mr. WELDON], who cochairs the tiltrotor caucus, are going to do all we can to ensure that this investigation be thorough, that it be expedited, and that we do get answers in front of us.

It is irresponsible for those who have attempted to predict the future of the program based on yesterday's tragedy to try to assume something about the circumstances of the accident. We do not know anything about the circumstances of the accident at this time, but we can assure our colleagues that we will get to the bottom of this and whatever it takes to address the concerns, the questions raised by the accident, that will get done.

We have come a long way in the development of the tiltrotor aircraft. Its military applications are obvious. It is the No 1 priority of the marines. It is a weapons system that they desperately need.

But we must look beyond that and show some vision in assessing the importance of this aircraft. The civilian applications are as broad as the imagination. This is an aircraft that will end up serving the people of the United States and serving people all over the world as it helps to link up people who live in remote areas and solve many of the other problems that are currently plaguing civil aviation.

Mr. Speaker, I wish to yield to my colleague from Pennsylvania [Mr. WELDON], who has worked closely with me and other Members of Congress in helping to develop the civil applications of this revolutionary technology.

Mr. WELDON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, every major R&D program that we have developed through the military in this country has had, unfortunately, accidents, and in some cases loss of life, whether it be the F–14, the F–18, or the CH–53.

We were hoping to get through the development of this revolutionary technology without the loss of life. Unfortunately, we are here to say that that did not happen. However, we have to understand that the aircraft that this technology is designed to replace is also represented. Just in the last 3 years alone we have had nine accidents with the existing medium lift aircraft for the Marine Corps, most recently in March where 14 young marines were killed when the CH–46 helicopter they were flying in went down, a 25-year-old aircraft using 40-year-old technology.

We must continue to push ahead. We must do so being very sensitive to the loss of life that occurred in this accident yesterday, but also realizing that we have got to protect the lives of future Marines and special operations forces throughout the world as they risk their lives to protect and serve this country.

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I want to thank again my colleague for his efforts especially on the civilian tiltrotor application and all of our colleagues in this body who have joined with us in supporting the tiltrotor.

This is the one program in the defense budget this year that had no opposition. No one stood up in subcommittee, in full committee or on the floor of the House to say that the V–22 should not move forward. All of our colleagues joined with us in exploring this promising technology.

Most recently, up until a week ago, over 210 Members of this body, Republicans and Democrats, signed a letter to the President of the United States encouraging him to support the decision of Dick Cheney to release the funds for the V–22, as the Secretary had announced to us just 3 short weeks ago.

So, I say to all of my colleagues, we are very sad and sorry that this incident occurred. Our deepest, heartfelt sympathy goes out to the families and to all the loved ones of the Boeing team that lost their four employees and the marines, who lost three of their colleagues.

But we will press on. We will get to the bottom of this investigation, and a full and complete report will be provided to this Congress and the American people as to the extent of the reasons why this tragedy occurred yesterday.

Mr. GEREN of Texas. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania [Mr. WELDON].

Let me just say in closing, thousands of people have dedicated their careers both in the public sector and in the private sector to the development of this revolutionary technology. I know the employees at Bell Helicopter in Fort Worth, as well as the Boeing employees around the country who have worked on this program for years and years join each of us in expressing our sympathy and our condolences to the families of those loved ones and want them to know that our hearts are with them as they go through this terrible period of grief.

CENTENNIAL COMMEMORATION OF FRANKLIN PARK, IL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to inform my colleagues in the House of Representatives that from July 31 through August 9, the citizens of Franklin Park, IL, will celebrate the 100th anniversary of their village.

The people of Franklin Park have planned a series of activities to commemorate this happy occasion. I want to offer all the organizations and individuals involved with them my heartfelt congratulations. Franklin Park is a dynamic community of 18,140 people living on 4.2 square miles of Cook County, IL. The village lists 1,148 businesses and 4,988 single-family homes.

Mr. Speaker, this centennial is noteworthy because the story of Franklin Park is one that can inspire citizens across this great land. In fact, the history of this community in many ways parallels that of the United States. Since the early 1800's, the people of Franklin Park have consistently demonstrated a pride in their hometown and a willingness to contribute to their community.

The origins of Franklin Park stretch back to 1829 when the Federal Government approved a treaty with the Chippewa, Ottawa, and Pottawatomie Tribes of Native Americans. This treaty cleared the way for European settlers to begin farming in an area northwest of Chicago.

This farming hamlet, which was originally dubbed "Manheim" by German immigrants, got an economic boost in 1873 when the Milwaukee Railroad established transit links there. One of the early settlers of Franklin Park, Henry Kirchhoff, granted the railroad access over a 7.5-acre strip of private land. A second rail link came in 1880.

From these humble beginnings, a civic-minded entrepreneur named Lesser Franklin saw an opportunity to turn this fledgling community into what would become today's Franklin Park. A real estate developer, Mr. Franklin envisioned a thriving town of homes and businesses that would one day stretch as far as Chicago. To realize his dream, Mr. Franklin invested in his community. During the early 1890's, he bought a 600-acre tract of land and named it Franklin Park. He split the land into lots for sale to home buyers.

To attract customers, Mr. Franklin authorized construction of a railroad depot, a hotel and a large Victorian home for his family. He organized gala tours for prospective home buyers, who were entertained at a pavilion built especially for this purpose. Soon, dozens of new homes began to spring up in the village. On August 4, 1892, the residents of this growing community decided by a vote of 63 to 9 to incorporate as the village of Franklin Park.

Industrial development soon followed in Franklin Park with the establishment of an iron foundry and a food processing plant in 1897. To meet the growing needs of the community, the village council established services, including a fire department in June 1896. In 1908, the village completed work on a modern water distribution plant. Mr. Franklin died 2 years later after laying the foundation for the fulfillment of his dream.

The 1920's witnessed unparalleled growth in Franklin Park. The village's population grew from 914 in 1920 to 2,450 in 1930. Franklin Park opened its first high school, Leyden Community High School, in 1924. It seemed the village's horizons were unlimited.

The stock market crash of 1929 and the depression that followed stymied growth in Franklin Park and our entire Nation. The community pulled together to survive the hard times. Citizens organized a bureau of relief to assist their neighbors. Local industries, such as the Peterson Oven Co., donated loaves of bread baked in the company's test ovens to help the poor.

The outbreak of World War II sparked an industrial boom that revived Franklin Park. During the forties, new companies, such as Douglas Aircraft, helped to make the village one of the most dynamic communities in northwest Cook County. By 1950, the village's population topped 12,517. A second high school, West Leyden High School, opened in 1959.

At times, growth in the village has created friction between those who preferred the sleepy Franklin Park of old to the modern, bustling suburb it has become. However, these conflicts have never weakened Franklin Park's community spirit. During the late sixties, a meals on wheels program was organized with volunteers providing help to elderly shut-ins. That program continues today. In 1974, Franklin Park resident Dick Herrmann helped organize a blood donor program that has collected more than 13,000 pints of lifesaving blood. And in 1983, Franklin Park families reached out to war-torn Northern Ireland with a youth exchange program. Franklin Park's tradition of responsive local government was recognized in 1990 when the village was named an Illinois Certified City. This award honored village efforts to maintain high-quality services and attract jobs.

Mr. Speaker, over the past 100 years the people of Franklin Park have shown a spirit of enterprise and compassion that is indicative of all that is right with America. I have no doubt that Franklin Park—as well as the rest of the 11th Congressional District, which I am honored to represent—will continue on this forward path. The pioneer spirit of Lesser Franklin and countless others confirms that this community's future is limited only by the dreams of its citizens. Mr. Speaker, I'm confident the next century will carry Franklin Park to even greater heights.

UNITED STATES POLICY TO ARM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I will begin a series of floor statements designed to inform my colleagues about the findings of the second phase of the Committee on Banking, Finance and Urban Affairs investigation of the Banca Nazionale del Lavoro, the BNL, otherwise known, and the scandal attached to it.

In the first stage, the committee explored the links between the BNL scandal and ineffective bank regulations and BNL's participation in the Export-Import Bank and the Commodity Credit Corporation programs for Iraq.

The second phase of the BNL investigation will explore Iraq's abuse of the United States financial system to finance its ambitious military industrialization effort. This has been the single purpose of our committee, the abuse, not only by Iraq, in fact, it is going on now because of the terrible laxity that we have allowed in the past with respect to the regulation of these type of financial activities. So that in pursuing the first phase, we stumbled across the Commodity Credit guarantee abuse and the related Export-Import Bank, which fortunately did not get as extensive an exposure to the taxpayer but still, to me, a lot of money that the taxpayer has to end up paying for even compared to the overall BNL involvement, minuscule, some $200 million that the taxpayers had to pay up because of the default of Iraq on the Export-Import Bank's guarantees.

The bothersome thing to me, I might say, by way of parentheses, is that I do not think our leadership has discovered anything to correct. I see evidences of these practices continuing with respect to other countries that possibly will be very embarrassing and certainly costly to our Treasury in the case of other countries right now.

Specifically, I would like to explore BNL's link to Iraq's military effort, including its role in funding Iraq's secret military technology procurement network, a very intricate, a very astute, a very infinitely thought-out procurement network.

This probe will also expose the Bush administration's policy of arming Iraq, despite the President's blatant declaration that the United States did not enhance Iraq's military capability.

I will begin by outlining some of the committee's major findings. I will then lay the foundation for a detailed look at BNL's role in arming Iraq by illustrating that the Bush administration knew of Iraq's intentions to become a military superpower and the United States policy that facilitated that plan.

The President has repeatedly claimed that his policy toward Saddam Hussein was "to encourage Saddam Hussein to join the family of nations." He denounced those who suggest that the policy gave Iraq access to "bombs or something of that nature."

But the truth is different. The administration knew a great deal about Saddam Hussein's military procurement program and made a conscious decision to tolerate it, and in many cases facilitated the effort. The Bush administration knew that Saddam Hussein was working on nuclear weaponry, and it also knew that some of the exports it approved were destined for nuclear establishments. The concept seems to have been to play along, let Saddam Hussein get U.S. technology for his weapons programs, and take the risk that he could be controlled.

To say the least, this was a very confusing policy. It meant winking at the Iraqi nuclear program, letting it slide, but not too far. * * *

Mr. WALKER. Mr. Speaker, I demand the gentleman's words be taken down.

□ 2048

The SPEAKER pro tempore (Mr. TORRES). The Clerk will report the gentleman's words.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to delete the sentence to which the gentleman objects. I will certainly abide by the rules of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection the words are stricken. The gentleman may proceed in order.

Mr. GONZALEZ. Mr. Speaker, the President's explanations as given thus far are not in conformity with the documentation that I am about to present, and the facts as we have adduced them in the course of this discussion and investigation by the committee.

A November 21, 1989, State Department memorandum discusses a CIA briefing received the day before on Iraq's nuclear program, and discusses how to proceed on licensing exports that could be used in Iraq's nuclear program. The memorandum states, and I quote:

We are still left with no clear indication of how to proceed on the majority of cases.

It further states, and I quote:

The problem is not that we lack a policy towards Iraq. We have a policy. However, the policy has proven very hard to implement when considering proposed exports of dual use commodities to ostensibly nonnuclear end users, particularly state enterprises.

The memorandum goes on to say how the policy permitted the approval of licenses for only benign equipment needed for nuclear medicine and the like. The memo further states, and I quote:

U.S. policy as confirmed in NSD 26 has been to improve relations with Iraq, including trade. Also U.S. policy precludes approval of munitions-controlled licenses for Iraq. Exports of dual use commodities for conventional military use may be approved.

In other words, while the policy did not permit the sale of bombs or something of that nature that would blow up, it clearly allowed the sale of the equipment needed to make them. The administration knew what Saddam Hussein was doing. The policy was to tolerate it up to some unknown and as yet undetermined point.

Again, the memorandum discussed the disjointed policy, and I am going to quote from it:

Complicating factors in decision-making include, one, a presumption by the intelligence community and others that the Iraqi Government is interested in acquiring a nuclear explosives capability; two, evidence that Iraq is acquiring nuclear-related equipment and materials without regard for immediate need; three, the fact that state enterprises are involved in both military and civilian projects; four, indications of at least some use of fronts for nuclear-related procurement; five, the difficulty in successfully demarching other suppliers not to approve exports of dual-use equipment to state enterprises and other ostensibly non-nuclear end users.

What this does not explain, and apparently maybe those intricacies were lost sight of, as in the case of the Italian bank, when we talk about a bank like the BNL we are not talking about an American bank, private, non-government. The BNL was owned by the Italian Government. Most of the banks are that are here in international banking from other countries.

In the case of state enterprises, here is a case where the Central Bank of Iraq is receiving these letters of credit and loans from BNL. Now the confusion that I think some administration spokesmen have deliberately tried to maintain is to try to say that the CCC guaranteed credits were used for direct military procurement. That is not the case at all. Where we started and where we are coming from is the commercial loans by BNL to enterprises that were actually supplying these military purpose supplies and equipment and material.

When we talk about state enterprises, there is nothing else in those countries. The same man who is the Minister of Procurement and Economic Development is the man in charge of defense procurement, and in one case there, and for a while it happened to be Saddam Hussein's relative.

High-speed photography gear for work on projectile behavior, for instance, and terminal ballistics was approved because, and I quote, "This equipment is appropriate for conventional artillery rounds but far too slow for nuclear applications."

In short, the policy was to let Iraq have goods that could easily be used or diverted to nuclear application with a request that Saddam Hussein refrain from doing so.

□ 2100

This occurred despite the fact that everyone concerned knew that Saddam Hussein was making every effort to develop nuclear weapons. This occurred despite ample knowledge of Hussein's ruthless brutality, and this occurred despite knowledge that the threat was real, it was serious, and it was ongoing.

The truth is that the United States did nothing to check on how the United States technology was used in Iraq.

Out of 771 export licenses granted for Iraq, only 1 was ever checked to ensure that the equipment was actually being used for civilian purposes, only 1 out of 771.

So when the President claims, and I am gong to quote his words, "We did not enhance Iraq's nuclear, biological, or chemical weapons and missile capability," it simply is contradictory to the facts as adduced in the evidence and in the documents that we are presenting to our colleagues.

What the President knew was that Saddam Hussein wanted nuclear weaponry—there is no way we can escape that conclusion—long-range ballistic missiles, and chemical and biological weapons, and that he had an elaborate plan to get them.

Our President also knew that Saddam Hussein was using front companies and other deceptions, and that equipment needed for Iraq's nuclear program was being bought in this country as well as others. He also knew that despite the U.S. request that equipment not be used for nuclear weapons purposes, the United States did nothing to ensure that the technology was not being diverted. He also had a policy of approving dual-use licenses for Iraqi conventional-weapons programs.

Our President claims that nothing had happened, but as I am saying, in shocking contradiction with the very documents that we have been adducing and presenting to our colleagues, so you can judge for yourselves.

Did Saddam Hussein respect any of the conditions that supposedly were supposed to be accompanying this equipment? There is nothing to indicate that he did. Dozens of United States firms, many of them receiving BNL financing, provided key technologies to Iraq's missile program and nuclear, chemical, and biological weapons programs.

So we cannot duck and dodge no matter how much we would want to.

These are the facts: It certainly, let me say, is no pleasure for me to get up and reveal what obviously would be embarrassing, but I have spoken out before in the case of other Presidents, including Presidents of my own party and even neighbors from my own State, because it was my duty as a Member of this branch of the Government involving either my participation in committee work or in voting on matters that led me to conclude critically of the President's requests or his statements or his actions, so I would like to disabuse anybody's mind that I have any particular pleasure.

My main and sole concern is with the tremendous debility, weakness, and exposure of our financial regulatory system. There is nobody who can assure us, and I can tell you as a fact that I cannot, that even as I am speaking now we do not have dozens of these cases taking place now, and what is more disturbing is the ancillary activities such as the offshore banking activities that we again have no control in, which not only do we have billions in tax evasion but in drug-money laundering. It is a real scandal.

Now, we have that responsibility in our committee. I have sat on this committee for 30 years and some 10 months, 9 months, that I have been a Member of the House, and it is no pleasure. Certainly I derive no pleasure.

I have been a protesting, overlooked witness all through these years.

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The record shows that is the reason; I had not been a Member of this body 2 weeks after being sworn in that I made use of that which we call, and I call it a great privilege, special orders. Of course, at that time there was no such thing as even the need to speak on the floor. You could submit them in writing, and they would be printed as if you had uttered them. I never thought that was right, so I came to the floor, and I spoke, and all through, the record is there. It is not what I am saying now.

So I think that given this awesome task, the overlooking of the responsibilities, I am the reason we have the only international banking law on our statute books.

I have said this before, so I will not repeat it now.

So I come back on this issue, and it started in my district, where I caused the hearings to be held in 1975 that was the forerunner and the exposure of what we now commonly hear as an S&L scandal, and it involved this fast international money across our border down near our neighboring areas where I come from. And to my amazement then, I found out we had no laws, so the first act took 3 years, 1978, and it was so weak and anemic that every chairman I worked under ever since then I pestered them to try to strengthen the laws, and so we are in this sorry state, and unfortunately, we have no coordination of effort on the political, diplomatic, policy, and even the defense as I will show later on.

Dozens of U.S. firms have been involved. We know that. We have the documentation. There is no doubt that for the most part the Europeans provided Saddam Hussein with more treacherous technology than the United States might have, but that does not excuse us for its considerable role in arming Iraq and, to a large extent, it was sort of a reciprocal type of activity.

Some of the German banks, for instance, came in because some of the United States banks that joined in some minor syndication and also the policy of the Government to aid Saddam Hussein, first, during the Iraq-Iran war, and then after its cessation.

The Banking Committee's investigation of BNL and the company known as Matrix Churchill in Ohio will add dozens of names to the already extensive list of publicly available information on U.S. firms that helped to arm Saddam Hussein with the assistance of the administration and the immediate past administration.

The head of Iraq's ambitious military industrialization efforts was Saddam Hussein's son-in-law, as I said earlier, Hussein Kamil, who directed the flow of over $2 billion in BNL commercial loans to various high-profile Iraqi weapons projects. These loans were over and above BNL's much-discussed CCC loans.

Kamil was the cabinet official in charge of Iraq's Ministry of Industry and Military Industrialization and the head of Saddam Hussein's personal intelligence force called the Special Security Organization.

At the time of the BNL raid in August of 1989 by our law enforcement agents in Atlanta, the CIA concluded that Hussein Kamil was the second most powerful man in Iraq. Mr. Kamil and other high-level Iraqi military officials, including the day-to-day head of Iraq's most secretive weapons program, Amir Al-Saadi, are referred to as unindicated coconspirators in the BNL indictment in Atlanta. Three other key actors in Iraq's military procurement efforts, Safa Al-Habobi, Sadik Taha, and Raja Hassan Ali, were indicted for their roles in the BNL scandal.

BNL funds used to fund the Iraqi military effort: The Iraqi manipulation of the United States financial system through the BNL scandal contributed directly to Iraq's military capability.

□ 2110

At least six Iraqi front companies in the military technology procurement network received direct funding from the BNL Bank. In addition, BNL loans were used to pay for technology identified by network companies.

Hundreds of millions of dollars of BNL loans went directly to purchase technology for Iraq's highest priority weapons programs including the covert nuclear weapons development program, Gerald Bull's Big Gun project—the famous Gerald Bull who was assassinated in Belgium, the long-range ballistic missile program called the Condor II, and the chemical weapons program. BNL loans were also used for more conventional weapons programs such as artillery, bomb, and shell factories.

Dozens of United States corporations and dozens of foreign corporations, knowingly or unwittingly supplied Iraqi weapons progams with industrial goods, including computer-controlled machine tools, industrial furnaces, heavy equipment, computers, special alloy steel and aluminum, chemicals, technical drawings, glass fiber factories, and training with the help of BNL financing of Iraqi Procurement Network facilities.

The Bush administration, this administration, permitted Saddam Hussein to operate front companies in Cleveland, OH, and Los Angeles, CA that were responsible for procuring technology for Iraq's covert nuclear, biological, and chemical weapons programs as well as various long-range missile programs. The Cleveland front company, called Matrix-Churchill Corp. [MCC], was permitted to remain open for nearly 3 months after the Iraqi invasion of Kuwait in August 1990. The Los Angeles front company, called Bay Industries, was not closed down until well into 1991. Iraqi Government agents running the procurement division of MCC were permitted to leave the country.

Many law enforcement officials investigating U.S. firms involved in arming Iraq have complained to the committee that they have been denied adequate resources, have trouble getting export licensing information from the Commerce Department, and received scant assistance from the intelligence community until well after the Iraqi invasion of Kuwait. Ironically, President Bush was personally involved in the effort to limit the flow of pre-August 2, 1990, Iraq-related information to Congress—this is where we come in, so that the Congress' right to know has been very much impeded.

There was also no resources on the Federal Government level to assist the law enforcement agencies in pursuing the Iraq-related cases.

Our intelligence community—we must give them credit—also had extensive knowledge of BNL's worldwide activities. They have monitored BNL's activities on a global basis since 1986. The Banking Committee had an appointment to review this information, but Nicholas Rostow, the National Security Council's legal counsel, and head of the Rostow Gang, ordered the intelligence agency to cancel the appointment.

The United States intelligence community had extensive knowledge of Iraq's secret technology procurement network as early as June 1989, including the fact that the network operated a United States-based affiliate in Cleveland, OH, as I said before, known as Matrix-Churchill. Since that information was contained in finished reports, they obviously used earlier raw data information to compile the report that was given to Congress.

The intelligence community was also closely monitoring many Iraqi entities that had numerous, almost daily contacts with the BNL Bank in Atlanta, GA, and Matrix-Churchill in Cleveland, OH. They had legal authority to intercept these communications abroad as well as in the United States because BNL and Matrix-Churchill were foreign owned.

In addition, the intelligence community had routine liaisons with intelligence agencies from the United Kingdom and Israel, which most certainly monitored Iraq's military plans. The Department of Defense [DOD] was aware of BNL link to procurement network.

The Department of Defense's [DOD] Defense Technology Security Agency [DTSA] was aware of BNL's role in funding Iraq's procurement network in the fall of 1989. We brought that witness in, the former official in charge of that Defense Technology Security Agency. He testified over a year and a half ago. I have been speaking out on this for 2 years. This month of July

was the first—it is exactly 2 years this month that we formally began, even though for several months before I had discussed this with the staff. We were all weighed down with the S&L developments and the Keating hearing and other hearings.

So that we were told by the Defense Technology Security Agency head exactly what he was trying to get to the leaders of our country.

DTSA agents began advising the BNL investigation when they arrived in Atlanta just days after the BNL raid on August 4, 1989. DTSA's advisory role is ironic given that they had opposed granting export licenses to some of the very companies they were investigating in Atlanta. It was DTSA that eventually linked BNL loans to Iraq's military procurement network for the BNL grand jury in Atlanta. DTSA has also reviewed Matrix-Churchill's records.

And as I said, it is the hearings record of our committee hearings over a year and a half ago, and nobody was much paying attention then.

Given intelligence community and DTSA knowledge of Matrix-Churchill Corp.'s links to Iraq's military procurement network, well over a year before the Iraqi invasion of Kuwait, it is baffling to me how the United States Government could let Matrix-Churchill operate for over 2 months after the invasion of Kuwait. There is no plausible excuse for this delay that I can think of.

Now, the President's report to the Congress, I had written a letter asking for the report, the nature of the findings of that report that was supposed to be given to the Congress as a result of the Iraq Sanctions Act of 1990 that the President had signed on November 5, 1990.

The Iraq Sanctions Act contained a provision requiring the President "to conduct a study and report on the sale, export, and third-party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq."

In April 1991 I asked the President for a copy of the report, the request coming from me as chairman of the Banking Committee. I did not receive a copy. In October 1991, I repeated my request, that is from April until October, and finally received a copy that month. The President assigned a secret classification to the report, which severely restricted us in our ability to inform our fellow members of the committee and the House. The classification turned out to be misleading because there was no secret information in the report that had not previously appeared in newspapers, magazines or on television.

After reviewing the contents of the report it is all too apparent why the administration wanted to restrict access to the report—anybody that knew anything about the United States policy toward Iraq prior to the invasion of Kuwait would immediately know that the report was a phony and that the President was misleading the Congress about the United States role in arming Saddam Hussein.

The report lays the blame for enhancing Iraq's military capability squarely on the shoulders of the European Community while wholly disregarding the United States Government's role in arming Iraq.

□ 2120

However, how the report would not even have one U.S. company listed is a clear indication of how inadequate it was in informing the Congress.

In my statement of February 3, this year, I showed that 13 United States firms sold equipment to Iraq's Condor II ballistic missile program. Over the course of the next several reports, I will show that BNL and Matrix-Churchill helped Iraq obtain equipment for its nuclear, chemical, and missile programs from dozens of United States companies. But I am not the only one who claims that United States firms helped to enhance Iraq's military capability. There is a plethora of evidence, a good deal already on the public record, showing that United States dual-use technologies went directly to the Iraqi Armed Forces and to Iraqi weapons factories.

The U.N. Special Commission, several high-ranking Bush administration officials, several congressional committees, several prominent proliferation experts, newspapers, magazines and television programs have all concluded that United States equipment enhanced Iraq's military capability.

An export license is needed for many types of equipment because the equipment has civilian as well as military uses, the so-called dual role.

The goal of the export licensing process is to stem the flow of U.S. equipment to dangerous end uses. The Reagan and Bush administrations maintained a public posture of denying Iraq sophisticated dual-use equipment. But in reality both administrations abused the export licensing process to funnel United States technology directly to the Iraqi Armed Forces and to numerous Iraqi weapons factories.

About 2 in every 7 export licenses approved between 1985 and 1990 went either directly to the Iraqi armed forces, to Iraqi end users engaged in weapons production, or to Iraqi enterprises suspected of diverting technology.

The policy seems to me to be that if it did not explode, ship it, and if it could be used in the Iraqi nuclear program, wink, wiggle, and then let it go.

There is no excuse for the over 80 export licenses granted to the Iraqi Armed Forces. These clearly enhanced Iraq's military capability. Equipment shipped under these 80 export licenses was sent directly to the Iraqi Air Force and the other branches of the Iraqi military. Fifteen of the licenses were approved during this administration.

In addition, the Reagan and Bush administrations issued 15 licenses for the sale of United States munitions list equipment to Iraq. That is equipment that has only military uses. Three of those were granted by this administration.

Equipment sent directly to the Iraqi armed forces includes computers, communications equipment, navigation and radar equipment for aircraft, and lasers and laser equipment to repair engines and rockets.

The Export-Import Bank even got into the act by financing the sale of armored ambulances and communications equipment directly to the Iraqi military.

Iraq's default on some of the Export-Import Bank financing, I repeat, cost the taxpayer about some $200 million. I am also chairman of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, and let me tell you what we could do with $200 million for our communities.

Mr. Steve Bryen, the former deputy undersecretary for trade security policy, and the director of the Defense Technology Security Agency that I referred to a while ago, testified on April 18, 1991, before the House Committee on Ways and Means' Subcommittee on Oversight—and remember he also testified before the Committee on Banking, Finance and Urban Affairs. While complaining about how the DOD was sometimes cut out of the export licensing process—that is, they were not, as the law required and apparently the rules and regulations, consulting with the Defense Department in this procurement—Mr. Bryen stated, and I am going to quote:

> During the 1980's a very large amount of what I would call military-type equipment, military-type trucks, equipment for military aircraft being sold to the Iraqi Air Force, even equipment to repair rockets that went to the Iraqi Air Force was approved without DOD being consulted in any way.

In addition to approving licenses directly for the Iraqi armed services, the Bush and Reagan administrations approved dozens of export licenses directly to known Iraqi weapons factories.

Despite ample evidence showing that many of the Iraqi facilities that applied for United States export licenses were primarily weapons factories, and that Iraq was using civilian facilities to procure technology for military end users, two administrations repeatedly approved export licenses to dubious Iraqi facilities. In fact, the November 1989 State Department memo I quoted from above indicates that it was President Bush's administration policy to send technology directly to Iraqi weapons factories.

Inexplicably, many of the licenses were approved after the Iraq-Iran ceasefire in August of 1988, at which time our intelligence community had abundant knowledge of Iraq's military intentions, facilities, and programs.

An intelligence report dated July 1990 entitled, "Beating Plowshares into Swords: Iraq's Defense Industrial Program" states:

Some state establishments—sometimes called enterprises, organizations or general establishments—are responsible for the production of several types of weapons systems or components and control facilities at several locations.

The intelligence community had considerable information related to the weapons related activities of factories in Iraq. A compilation of these facilities contained in a report July 1990 is titled, "Iraq's Growing Arsenal: Programs and Facilities." This report contains a section called "Defense Industrial Facilities." A partial list of the weapons facilities includes:

Nassr State Establishment for Mechanical Industries [NASSR];

Badr General Establishment [BADR];

Saddam State Establishment [SADDAM];

Al Kindi Research Complex, formerly SAAD 16;

Salah Al Din State Establishment;

Al QaQaa State Establishment [AL QAQAA]; and

Hutteen State Establishment [HUTTEEN].

The U.N. Special Commission has also identified these entities as being involved in Iraq's clandestine nuclear, chemical, and biological weapons programs and missile programs.

A close examination of the Commerce Department list of export licenses to Iraq reveals that each and every one of these facilities received multiple United States export licenses. For example, the Saddam State Establishment and the Salah Al Din, received six export licenses during the Bush administration and many more in the Reagan era. An intelligence report on Iraq's weapons facilities states:

Salah Al Din and Saddam State Establishment are typical of Iraq's arms production facilities.

A 1990 State Department memo states:

Salah Al Din, which is associated with an Iraqi missile project.

In February 1990 an application to export computers to Salah Al Din was rejected by Commerce Department. Regarding Salah Al Din the licensing document says:

The end-user (Salah Al Din) is involved in military matters.

But, 2 months later, in April 1990, an application to export the same type of computer to Salah Al Din was approved. There was no reference to factory's military end-use.

Another example of the administration knowing what was going on is NASSR. A Commerce Department memo related to an export license application for NASSR dated August 1988 sheds light on how far back our Government knew of NASSR. The memo states of NASSR:

The equipment will be used by the NASSR State Establishment for Mechanical Industries. After several reviews DOD recommended a denial because DOD alleges that we are dealing with a "bad" end-user. The ultimate consignee is a subordinate to the Military Industry Commission and located in a military facility.

A month earlier, in July 1988, the Commerce Department had approved an application for NASSR. Several others were approved before that. It is also interesting to note that the Director General of NASSR, Safa Al-Habobi was indicted for his role in the BNL scandal.

□ 2130

An intelligence report on NASSR in May 1990 states:

In the case of the missile program—the Nassr State Establishments for Mechanical Industries [NASSR]—is instrumental to development effort.

In later floor statements I will provide more detail on the above-mentioned facilities and show how BNL funds flowed freely to these and other military factories. I will also show that Matrix-Churchill in Ohio and Bay Industries in California were United States-based procurement agents for these and other military factories in Iraq.

IRAQI GOVERNMENT ESTABLISHMENTS USED AS PROCUREMENT FRONTS

The intelligence community also had abundant information showing that Iraq used many ostensibly civilian factories as fronts to procure equipment for military use.

The report "Beating Plowshares into Swords":

We have identified 25-30 Iraqi establishments and facilities primarily producing military supplies, spares or weapons. Their facilities work closely with civilian organizations to procure equipment and technology.

Another forceful indicator of Iraqi's intentions is contained in a July 1990 intelligence report entitled, "Iraq's growing Arsenal: Programs and Facilities" which concludes:

* * * many entities are false end users, passing the materials acquired from foreign suppliers directly to enterprises involved in military projects, including chemical and biological warfare.

One of the false end users as listed in the report is the Technical and Scientific Materials Division of the Ministry of Trade, referred to as TSMID. The report says TSMID was involved in "biological warfare support and numerous other military activities."

TSMID received 10 export licenses from the Bush administration for equipment including computers, frequency synthesizers, radio relay equipment, microwave equipment, communications equipment, and radio spectrum analyzers.

Another set of dubious end users mentioned in the report include the Scientific Research Center and the Space Research Center. These two organizations received seven export licenses during the Bush administration and several dozen during the Reagan administration, Intelligence information links these organizations to the Iraqi.

The President's NSD-26 places particular emphasis on expanding United States-Iraq oil industry related trade. The July 1990 intelligence report "Iraq's Growing Arsenal" identifies the State Establishment for Oil Refining and Gas Processing as a "dedicated front for procuring chemical weapons related components and production equipment."

The Bush administration approved about a dozen export licenses to these Iraqi companies. One of the licenses went to Du Pont which has been identified by both the United Nation and the press as having supplied vacuum pump oil that was found in a facility dedicated to Iraq's clandestine nuclear weapons program.

BUSH ADMINISTRATION KNEW

There are numerous State Department memos recently declassified that show the Department was aware that they were helping to arm Iraq. The 1990 memo states:

An initial review of 73 cases in which licenses were granted by Department of Commerce [DOC] or DOC/DOD from 1986-1989 shows that licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation-related end-users in Iraq.

Another 1990 State Department memo further underscores the contention that the State Department was aware of how the export licensing policy toward Iraq was actually working to enhance Iraq's military capability. The Spring 1990 memo, which addresses the urgent need to change the export licensing policy toward Iraq, states:

Formulating such a policy will be complicated because end-users which engage in legitimate non-nuclear and non-missile related end users also procure commodities on behalf of Iraq's nuclear and missile programs. Because the Iraqi procurement network serves both nuclear and missile programs, one cannot distinguish between purchasers of nuclear concern and those of missile concern. Thus, USG export policy should apply equally to Iraqi nuclear end-users and purchasers for Iraq's nuclear and missile programs.

Later in 1990, the administration became more concerned about Iraq's abuse of the United States export policy. But while there was concern, high-level NSC Deputies Committee's meetings in April and May 1990 failed to enact any changes in the policy. It was not until July 1990 that the State Department proposed preliminary changes to the policy. This is right on

the verge of the imminent Kuwait invasion, the second day of August. The danger of that inaction is illustrated by the 1990 State Department memo which states:

At present, no foreign policy controls exist which permit the US to control nuclear-related dual-use commodities across the board to Iraq.

This was in July.

ONLY ONE POSTINSTALLATION CHECK

Postinstallation checks are used to ensure that U.S. dual-use technology is not diverted to military use. If the administration was concerned about Iraq's use of United States dual-use equipment, they could have traveled to the Iraqi factories that supposedly received the United States equipment to see if the equipment was being used for civilian purposes.

Tragically, in the case of Iraq, the United States did not adopt a policy of conducting postinstallation checks. Almost unbelievably, out of a total of 771 export licenses approved for Iraq, there was only one postinstallation check.

It is not as if there were no concerns about Iraq's intentions. It seems as if the concerns expressed were just ephemeral, or not much attention was paid to them.

A spring 1990 memo received from the State Department states, and I quote:

The operation of Iraq's procurement network inevitably raises concerns about the potential for unauthorized diversion of commodities in Iraq and raises doubts about the veracity of the information provided on Iraqi license applications.

In late spring 1990 the administration proposed to tighten up on Iraq. The memo obtained from the State Department states:

The U.S. should also explore the feasibility of conducting post-installation checks in Iraq, similar to those conducted in Pakistan.

The Bush administration, in the course of wooing Saddam Hussein, pursued a blind policy. The administration knew Iraq was diverting United States dual-use equipment to military projects; no question of that. The evidence is there. Its documentation is self-evident, and I am offering that in the RECORD at the conclusion of these remarks.

The administration knew Iraq used many supposedly legitimate end users to procure technology for military purposes. Many in the administration did not even trust the information supplied by Iraq for export licenses.

Despite all these warning signs, the Bush and Reagan administrations made just one check to see how U.S. equipment was being used after it was installed. Last year United States District Judge Stanley Sporkin, presiding over the case Consarc versus the Iraqi Ministry of Industry and Minerals, made an insightful observation related to the export licensing process and postinstallation checks.

In this case Judge Sporkin ordered the largest putative damage award against a foreign government in U.S. legal history.

□ 2140

Judge Sporkin found that Iraq had intentionally misrepresented the end use of the Consarc furnaces it was buying. Iraq claims the furnaces were to be used to manufacture medical prosthesis, when in fact the furnaces were destined for Iraq's secret nuclear weapons program. While presiding over the case, Judge Sporkin stated:

I gather there is no compliance mechanism that is built into the end-user certificate and I don't see why somebody ought not to be working on that concept * * * (You're) going to have to design some system where the Government has the right to police this end-user certificate to make sure the product being used hasn't been resold or hasn't been altered.

OTHERS HAVE IDENTIFIED UNITED STATES FIRMS AS ARMING IRAQ

Several Bush administration officials in a position to know have testified before the Congress about the United States role in enhancing Iraq's military capability. To illustrate that point I refer to an April 18, 1991, hearing before the Ways and Means Committee, Subcommittee on Oversight.

The hearing focused on the administration and enforcement of United States export control laws with the main focus being the United States experience with Iraq. One of DOD's experts on proliferation, the DOD's Deputy for Nonproliferation Policy stated at various times during the hearing:

* * * a number of military useful technologies and pieces of equipment made their way into Iraqi hands.

There's no question that there were U.S. exports in support of military systems.

I don't think we exported weapons. What clearly is the case * * * is that U.S. technology did make its way to programs that had important military applications.

I will offer other observations for the RECORD.

On April 8, 1991, Dennis Kloske, the former Under Secretary for the Department of Commerce's Bureau of Export Administration, testified before the Subcommittee on International Economic Policy and Trade. At the hearing Mr. Kloske related how the State Department was the agency responsible for setting the trade policy with Iraq. In referring to the Commerce Department's lack of legal authority to stop licenses because of that policy, Mr. Kloske stated:

By 1990 U.S. exports of dual-use equipment to Iraq were subject to review for reasons of national security, nuclear nonproliferation, missile technology, chemical and biological weapons, human rights and regional stability. Under these circumstances, the Commerce Department still approved license applications destined for the Iraqi government agencies, military and research activities.

Many others have shown that United States companies have helped arm Iraq. For example, several proliferation experts have shown how United States firms helped arm Iraq. United States law enforcement officials have indicted several United States companies that illegally shipped technology that enhanced Iraq's military. Dozens more are now under investigation. There have been numerous newspaper stories, televisions shows, and magazine articles about United States firms sending technology to enhance Iraq's military.

So it is reasonable to conclude and inevitably and inexorably one must, that the people with the power within the administrative workings were familiar with these various techniques that were used in this somewhat intricate Iraqi procurement network, and also used to violate the United States export control policy and to work in the intricacies and the gaps, very, very dangerous gaps, in our banking laws.

From information gathered after the BNL raid in August 1979, the administration knew that BNL was linked to Matrix-Churchill and other Iraqi front companies. That meant BNL was linked directly to Iraq's clandestine nuclear, chemical, and biological weapons programs.

The BNL raid also showed that the highest levels of the Iraqi government were involved in the BNL scandal, and in Iraq's efforts to procure weapons of mass destruction technology from the United States.

With these facts in mind, it is apparent that this administration acted with full and complete knowledge, at least those persons in those areas of judgment-making and decision, of Iraq's intentions as they considered and approved the $1 billion one year in the CCC Program for Iraq in November of 1989, but, most importantly, the commercial loan aspects of the BNL activities.

In effect, the taxpayers subsidized Iraq's nefarious activities. That was made possible because the State Department made a determination that the CCC program was separate from BNL's other activities.

There is some evidence showing that as time progressed, certain lower level employees of the Bush administration became more and more concerned about Iraq's intentions, but there is scant evidence to show that these concerns were communicated to Iraq.

Mr. Speaker, I will merely sum up by saying that we will go into our delineation in a more specific form as to the companies and the uses that was made by Iraqi powerful officials buying into American companies and thereby being able to have access to such things as the designs of some of the weaponry components.

[Unclassified]

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS,

November 21, 1989.

Memorandum To: OES/N- S/NP- T-NEA/NGA-

From: OES/NEC–
Subject: SNEC Cases of Interest.

BACKGROUND

The November 12 meeting of the SNEC and the November 20, briefing on Iraq's nuclear program and the activities of state enterprises provided a thorough presentation of available information and Intelligence Community views on these matters. However, we are still left with no clear indication of how to proceed on the majority of cases currently before the SNEC.

POLICY

The problem is not that we lack a policy on Iraq; we have a policy. However the policy has proven very hard to implement when considering proposed exports of dual-use commodities to ostensibly non-nuclear end users, particularly state enterprises.

SNEC policy for some years has been not to approve exports for Iraq's nuclear program except for very insignificant items for clearly benign purposes such as nuclear medicine. However, at the same time, U.S. policy, as confirmed in NSD 26, has been to improve relations with Iraq, including trade, which means that exports of non-sensitive commodities to "clean" end users in Iraq should be encouraged. According to NEA/NGA, although U.S. policy precludes approval of Munitions Control licenses for Iraq, exports of dual use commodities for conventional military use may be approved.

Complicating factors in decision making include:

1. A presumption by the Intelligence Community and others that the Iraqi Government is interested in acquiring a nuclear explosive capability;

2. Evidence that Iraq is acquiring nuclear related equipment and materials without regard for immediate need;

3. The fact the state enterprises which are ordering substantial quantities of dual use equipment needed for post war reconstruction, such as, computers and machine tools, are involved in both military and civil projects;

4. Indications of at least some use of fronts for nuclear-related procurement.

5. The difficulty in successfully demarching other suppliers not to approve exports of dual use equipment to state enterprises and other ostensibly non-nuclear end users.

RECOMMENDATIONS

Notwithstanding the foregoing, we are prepared to recommend the following actions on the below-listed currently pending dual use exports to Iraq. Proposed conditions are tailored to significance of export. Other agencies, particularly DOD, may not concur in the recommendations for approval, which would result in split decisions being reported to Commerce for resolution at a higher level.

for one 1 GHZ oscilloscope for Technical University Research Center, Iraq. Pending reply to State cable requesting end user info and DOC info on end use. Defer for reply to state telegram to Baghdad.

for three HP 9000 workstations to Nasser State Enterprise, Iraq. Deferred for CIA code word level briefing on Iraqi State enterprises and their connections with Iraqi nuclear program. Deny on foreign policy (not nuclear) grounds based on specific information linking this proposed export to a missile development project.

for one HP model 360 computer to Ministry of Industry and Military Industrialization, Iraq. End user is identified as of concern for missile and other military activities. End user directs all state enterprises. However, computer proposed for export is only a PC. Approve with license conditions of no nuclear use and no retransfer without prior consent and end user certificate on same points.

for two 3-axis turning machines to Saddam General Establishment. Approve subject to license conditions of no nuclear use and no retransfer without prior consent; end user certificate on same points and periodic reporting of status of equipment by exporter or exporter reps.

for one coordinate measuring system to Bader General Establishment, Iraq. Favorable end use check received from U.S. Embassy Baghdad. Approve subject to license conditions of no nuclear use and no retransfer without prior consent; end user certificate on same points and periodic reporting of status of equipment by exporter or exporter reps.

for one numerically controlled machine tool to Bader General Establishment, Iraq. Approve subject to license conditions of no nuclear use and no retransfer without prior consent; end user certificate on same points and periodic reporting of status of equipment by exporter or exporter reps.

application D015535 for re-export of one VAX6320 and one MICROVAX II computers to Scientific Research Council, Iraq. Concerns have been raised because of possible nuclear-related procurement of items such as glove boxes. However this end user is responsible for universities and scientific institutions in Iraq, including such benign activities as astronomy. Moreover the computers proposed for export, though highly desirable VAX models, have rather low PDR ratings (300 for largest and 39 for the smaller system and workstations). Approve with license conditions of no nuclear end use and no retransfer without prior consent and end user certificate on same points.

for one Cyber 910B–400 series workstation to the Hutteen General Establishment, Iraq, for engineering applications. This is the low end of the CYBER mainframe line with a PDR of 318. Approve with license conditions of no nuclear use and no retransfer without prior consent and end user certificate on same points.

for two optical heads for cameras and timing lights to A.M. Daoud Research Center, Iraq, for work on projectile behavior and terminal ballistics. DOE review shows that speed of this equipment is appropriate for conventional artillery rounds but far too slow for nuclear applications. Approve with license conditions of no nuclear end use and no retransfer without prior consent and end user certificate on same points.

U.S. Nuclear Export Policy Towards Iraq

BACKGROUND

During the Iran-Iraq war, the US imposed a de facto embargo on the export of nuclear-related commodities to nuclear end-users in those countries. With the exception of China and Argentina, other nuclear suppliers had similar policies. The cease-fire prompted the US to demarche a number of nuclear suppliers urging that they not resume their pre-war practice of permitting export of nuclear commodities to Iraq and Iran. It also prompted the US export community to consider the need for a review of US export policy towards those countries. Because such a review has not been formally conducted, the Commerce Department has held without action for the last several months virtually all nuclear-related dual-use license applications for Iraq.

The recent attempt to export to Iraq capacitors with military specifications has made the need for export-related policy guidance even more apparent. This development, however identifies only one, now publicly known, Iraqi clandestine procurement effort. Prior to the arrest, ample evidence existed that Iraq operated an extensive, worldwide clandestine network which attempted to procure a wide range of military items, including nuclear-related dual-use commodities. Such procurement efforts and Iraq's apparent lack of commitment to its international treaty obligations, evidenced by its disregard of the Geneva Convention on chemical weapons, must be considered in formulating US export policy toward that country.

Formulating such a policy will be complicated because end-users which engage in legitimate non-nuclear and non-missile-related end-uses also procure commodities on behalf of Iraq's nuclear and missile programs. Because the Iraqi procurement network serves both nuclear and missile programs, one cannot distinguish between purchasers of nuclear concern and those of missile concern. Thus, US export policy should apply equally to Iraqi nuclear end-users and purchasers for Iraq's nuclear and missile programs.

CURRENT LICENSING PRACTICE

Current US policy is to deny all license applications for the export of NRC-licensed items to Iraq, notwithstanding Iraq's NPT status and acceptance of IAEA safeguards. This position results from doubts about Iraq's commitment to and support for nuclear non proliferation.

The Subgroup on Nuclear Export Coordination (SNEC) presently recommends denial of all cases involving Commerce-licensed commodities for the Iraqi Atomic Energy Commission and performs case-by-case review of less significant commodities going to non-nuclear end-users. The SNEC has also recommended denial of certain cases involving proposed exports to entities believed to procure or produce commodities on behalf of Iraq's nuclear program. However, a large number of other cases involving proposed exports to Iraq are pending. At present, no foreign policy controls exist which permit the US to control nuclear-related dual-use commodities across-the-board to Iraq.

PROPOSED EXPORT POLICY

Computers

Given the difficulties involved in controlling the export of computers, their wide foreign availability and the pace of development of computer technology, it is proposed that export of computers with a PDR of 250 or less to non-nuclear Iraqi end-users be reviewed with a presumption of approval. This policy would also apply to end-users which have procured commodities on behalf of Iraq's nuclear and missile programs but which also engage in legitimate non-nuclear and non-missile related activities. An exception to this policy would be made, however, if there is information linking a nuclear or missile end-use to a specific export request under review.

Foreign availability

While foreign availability should be taken into account in determining whether to approve a license, it should not be the overriding factor. In the case of other proliferant countries, the U.S. has denied licenses for the export of commodities available in other countries because it considered the risk of diversion to proscribed end-uses too high. The operation of Iraq's procurement network inevitably raises concerns about the potential for unauthorized diversion of commodities in Iraq and doubts about the veracity of

the information provided on Iraqi license applications. Thus, U.S. export policy towards Iraq should generally be guided not by foreign availability to commodities but by U.S. nuclear and missile nonproliferation considerations.

Other suppliers

Despite the lack of U.S. policy guidance governing exports to Iraq, the U.S. has urged other suppliers to exercise extreme caution in permitting nuclear-related and dual-use exports to that country. In addition to demarching U.S. suppliers after the close of the Iran-Iraq war, the U.S. has also approached suppliers on specific Iraqi procurement efforts, urging them to take steps to ensure that certain exports to Iraq not occur.

In considering U.S. export policy toward Iraq, we should also consider the need to establish procedures which would ensure regular communication with other nuclear suppliers about U.S. export control actions involving Iraq. Such communication would involve informing suppliers of general principles governing U.S. exports toward Iraq. It would also involve notifying them of actions taken by the U.S. on individual cases and urging those suppliers to adopt similar notification procedures. This is particularly important as much of the focus of Iraqi procurement efforts is in Europe. Thus attempts to impede development of Iraq's nuclear program by technology denial will succeed only with the cooperation of other nuclear suppliers.

U.S. conditions of supply

All nuclear-related dual-use exports to Iraq should be conditioned on no nuclear use and no retransfer within Iraq without prior USG authorization.

The U.S. should also explore the feasibility of conducting post-installation checks in Iraq, similar to those conducted in Pakistan. This method could be used to allay concerns that items are being illegally retransferred to nuclear or missile end-users. This method could deter unauthorized diversion of U.S. commodities. Such checks should generally be used only in instances where U.S. export policy does not preclude export of a commodity to a particular end-user. They should not, however, be used as a substitute for denial of commodities required under the above guidelines. Similarly, if such checks are not possible, a more restrictive approach to exports would be appropriate.

PROPOSED GUIDELINES

The following guidelines are proposed for use by SNEC agencies when considering dual-use license applications, excluding computers, for Iraq.

No export of Nuclear Referral List items will be permitted to Iraqi nuclear end-users, or end-users which are known or suspected to procure commodities on behalf of Iraq's nuclear and missile programs, regardless of the stated end-use. End-users in the latter category include state enterprises and ministries. A complete list of grey end-users is attached. (The list is currently being completed by Livermore.) Given the rapidity of change in the Iraqi procurement network, this list will need to be updated regularly by the intelligence community.

Export applications for items not on the Nuclear Referral List to Iraqi nuclear end-users will be reviewed on an ad hoc basis with a presumption of denial.

Export applications for items not on the Nuclear Referral List to Iraqi end-users which have been involved in procurement of commodities for Iraq's nuclear and missile programs will be reviewed on an ad hoc basis and may be approved if the commodity is considered by technical experts to be appropriate for the stated end-use. Standard no-nuclear-use conditions would apply. If possible, conditions of supply should be verified, e.g. post-installation checks.

Export applications for items on the Nuclear Referral List and items not on that List to non-nuclear end-users with no known procurement connection to Iraq's nuclear and missile programs will be reviewed on an ad hoc basis with a presumption of approval if the commodity is considered appropriate for the stated end-use. Standard no-nuclear-use conditions would apply.

U.S. DEPARTMENT OF STATE,
Washington, DC., September 22, 1989.
INFORMATION MEMORANDUM

To: T—Mr. Bartholomew.
From: NEA—John H. Kelly.
Subject: The Banca del Lavoro Scandal and Trade with Iraq.

You will have seen reports in the press linking the Atlanta branch of Italy's Banca Nazionale del Lavoro to Iraqi nuclear and missile programs. The money does appear to have been used to finance a wide range of imports and projects, probably including the acquisition of sensitive technology, but the technology transfer aspects are separate from the scandal surrounding the credits.

Investigators are not talking, but it is clear the BNL branch manager in Atlanta gave Iraq over $4 billion in export credits in over 2500 separate transactions, at below market rates, that he kept on a secret set of books. Despite protests that BNL's Rome headquarters knew nothing of the unauthorized loans, the bank's two top officials have resigned and the former Italian defense attache in Baghdad has committed suicide. At least $900 million of BNL's letter of credit have not yet been paid out to the Iraqis, who are demanding that the bank make good on them.

The Financial Times and Wall Street Journal appear to be mixing up the credit scam, Iraqi conventional weapons production, and Iraqi nuclear and missile proliferation programs. The tone of the press stories tars all Iraqi industry—and technology transfer—with the proliferation brush. The September 14 WSJ, for example, claims U.S. officials have concerns about the nuclear weapons capabilities of a $500,000 machine tool designer an Alabama company wants to export to Iraq with BNL credits.

The net result could be perception that all technology transfer to Iraq is illegitimate. In attempting to counter Iraq's nuclear, missile and CW programs we have concentrated on denying key technologies. To be credible, we need to keep the focus on these key technologies—while recognizing that the Iraqis will, if they can, use basic civilian industrial technology for military production as well.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF REPORTS ADMINISTRATION
Washington, DC., August 8, 1988

Memorandum for: John R. Kenfela, Director, Strategic Trade, Defense Technology Security Administration.
From: Iain S. Baird, Acting Director, Office of Export Licensing.
Subject: Reexport Application.

registered the subject reexport request on —. The request is for shipment of systems including peripherals and training valued at $600,000.00. This equipment will be used by * * * State * * * of Mechanical Industry in Iraq for a graphics design system used in tooling design. will provide on site support and training for maintenance of all hardware and software.

After several reviews, DOD recommended a denial because DOD alleges that we are dealing with a "bad end-user. The ultimate consignee is a subordinance to the Military Industry Commission and located in a military facility. Image of neutrality could hardly be served. Also, this system could contribute directly to increasing Iraq's military force capability".

Although this export transaction would normally not require Department of State review, Commerce consulted with State on foreign policy grounds. State has recommended approval because there are no foreign policy controls applied to computer exports to Iraq, nor are there any other statutory or regulatory grounds for rejecting this case.

The fact that the pre-license check revealed the end-user to be under the Military Industry Commission is not grounds for denial. DOD has raised foreign policy concerns as a rationale for denial. As stated in the * * *, foreign policy controls are maintained on exports to Iraq of (1) certain chemicals identified as precursors to chemical warfare; (2) regional stability items, and (3) crime control and detective equipment. In addition, Iraq was removed from anti-terrorism controls applied to military end-users in 1982. The * * * Establishment is a multifunctional complex, which American officials have visited, and approval of this export will not affect the image of neutrality in the Iran-Iraq war. The knowledge that will provide on-site maintenance and other servicing is another reason why this case should be approved. ——— will know if the equipment is moved or if other conditions of the export license are violated in some way.

Given the recent MSC decision to more favorably review export licenses and applications to Iraq, please personally review this application and give me or Dan Hill a call if DOD maintains its objection and wishes to include this case in the next Policy Issues Group meeting. We can be reached at 377-8536. If no response is received within 10 days of the date of this letter, Commerce will process this application.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF EXPORT ADMINISTRATION
Washington, DC.

Memorandum for: Dennis Kloske.
From: Iain S. Baird.
Subject: The NSC and Iraq.

To the best of my recollection, there have been four NSC meetings relating to export licensing and Iraq.

In late summer 1987, there was an NSC meeting at which Steve Bryen presented some satellite photographs of the SA'AD 16 facility. As a result of this meeting, Paul Freedenberg directed that we suspend the Gildemeister case (the Hybrid analog computer), and we did so on September 22, 1987, based on the new controls available under the MTCR.

In the spring of 1988, a number of Iraqi export licenses had backed up pending a decision by the Administration with respect to trading with Iraq. At an NCS meeting at that time, these cases were reviewed and cleared and the instruction was issued (conveyed by Paul Freedenberg) to treat Iraqi applications favorably.

On April 16 and May 29, 1990, there were Deputies Meetings chaired by the NSC at which you argued for expanded foreign policy

controls on Iraq. You also sent a proposal to Robert Gates on June 8, 1990, outlining your proposal for the expansion of the MTCR, including controls on Iraq.

In June and July 1990, the proposal is discussed at several PCC meeting.

[Telex]

MARCH 26, 1989.

For the attention of Mr. C. Drougol. I would like to express my greetings and personal good wishes for you and your family and all your staff at Del Lavoro Bank-Atlanta on the occasion of the Easter festivities.

Wishing you all happiness, good health and prosperity.

HUSSAIN KAMIL HASAN,
The Ministry of Industry and Military Production.

IRAQI EXPORT CASES: WHY THEY MAKE THE CASE FOR EXPANDING LICENSE REQUIREMENTS AND REVIEW

An initial review of 73 cases in which licenses were granted by DOC or DOC/DOD from 1986–1989 shows that licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation related end users in Iraq. This indicates that expanded license requirements and additional review of licenses could reduce U.S. contributions to proliferation activities. These cases concerned only exports for which a license had to be obtained; they indicate nothing about equipment that may have been exported freely because no license was required.

EXAMPLES

During the period in question, at least 17 licenses were issued for the export of bacteria or fungus cultures either to the Iraqi Atomic Energy Commission (IAEC) or the University of Baghdad.

A known procurement agent for Iraqi missile programs, ——— was issued licenses to export computers to a missile activity and computers and electronic instruments to the IAEC.

A license was issued to export a computer for a "fertilizer plant" to the Iraqi Ministry of Minerals, which is known to be associated with the Iraqi CW program.

——— received a license to export equipment to the Nasser Establishment for "general military applications such as jet engine repair, rocket cases, etc."

Licenses were issued for the export to Iraq of computer-assisted design and manufacturing (CAD/CAM) and chemical process control equipment.

——— had a license approved by DoD for a computer system for use with a furnace for "medical prostheses."

——— also had a license approved by DoD/DOC to export numerically controlled equipment related to crucibles.

——— received a license to export "navigation/direction finding/radar/mobile communications" equipment to Salah-al-Din, which is associated with an Iraqi missile project.

DoD approved a license for the export of possible telemetry equipment to the Saddam General Establishment.

Implementation of various aspects of EPCI would provide a basis to deny licenses (and require additional licenses so transactions could be reviewed) in cases similar to those reviewed because of the end user (country or entity), the knowing contribution to or risk of diversion to a proliferation activity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HYDE (at the request of Mr. MICHEL) for today and the balance of the week on account of family medical reasons.

Mr. PETERSON of Florida (at the request of Mr. GEPHARDT) for July 21 and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. WELDON) to revise and extend their remarks and to include extraneous material:

Mr. EWING, for 5 minutes, on July 22.
Mr. GALLEGLY, for 5 minutes, today.
Mr. WELDON, for 5 minutes, today.
Mr. RIGGS, for 60 minutes each day, on July 28, 29, and 30.
Mr. FISH, for 60 minutes, on July 23.

The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:

Mrs. LOWEY of New York, for 5 minutes, today.
Mr. GEREN of Texas, for 5 minutes, today.
Mr. ALEXANDER, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. MCCLOSKEY, for 5 minutes each day, on July 22 and 23.
Mr. OWENS of New York, for 60 minutes each day, on July 21, 22, 23, 24, 28, 29, and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, on House Joint Resolution 502, in the House today.
Mr. GILMAN, in the House today on H.R. 5318.

The following Members (at the request of Mr. WELDON) and to include extraneous matter:

Mrs. MORELLA in two instances.
Mr. MCEWEN.
Mr. VANDER JAGT.
Mr. SMITH of Texas.
Mr. HOUGHTON.
Mr. GEKAS.
Mr. DOOLITTLE.
Mr. LENT.
Mr. OXLEY.
Mr. THOMAS of California.
Mr. GRADISON.
Mr. MICHEL.
Mr. SMITH of Oregon.
Mr. GALLEGLY in three instances.
Mr. IRELAND.
Mr. LIVINGSTON.
Mr. SUNDQUIST.
Mr. LEWIS of California.
Mr. CRANE.
Mr. GREEN of New York.
Mr. GOODLING.
Mr. LEACH.

The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:

Mr. ANDERSON in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. BROWN in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BONIOR.
Mr. SWETT.
Mr. STARK in three instances.
Mr. FASCELL in three instances.
Mr. TRAFICANT.
Mr. TORRES.
Mr. PENNY.
Mr. LANTOS.
Mr. WEISS.
Mr. PEASE.
Mr. SARPALIUS.
Mr. LAFALCE.
Mr. DINGELL.
Mr. DONNELLY.
Mr. SKELTON in two instances.
Mr. ALEXANDER.
Mr. JACOBS.
Mr. MARTINEZ.
Mr. LEVINE of California.
Mr. ROWLAND.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 22, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3909. A letter from the Comptroller of the Department of Defense, transmitting a report of three violations involving the improper use of appropriations which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3910. A letter from the Secretary of Commerce, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the National Technical Information Service, pursuant to 31 U.S.C. 1517; to the Committee on Appropriations.

3911. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1992, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–360); to the Committee on Appropriations and ordered to be printed.

3912. A letter from the Department of the Navy, transmitting notification that the Department intends to offer for lease three naval vessels to the Republic of Chile, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

3913. A letter from the Office of General Counsel, Department of Defense, transmit-

ting a draft of proposed legislation to authorize the Secretary of the Army to designate civilian employees to act as approving authorities on reports of survey; to the Committee on Armed Services.

3914. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize a military history dissertation fellowship program; to the Committee on Armed Services.

3915. A letter from the Secretary of Education, transmitting the 14th annual report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and Labor.

3916. A letter from the Administrator, Energy Information Administration, transmitting the Annual Energy Review 1991, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

3917. A letter from the Federal Energy Regulatory Commission, transmitting the 1991 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

3918. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the transfer of equipment, pursuant to 22 U.S.C. 2314(d); to the Committee on Foreign Affairs.

3919. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Israel (Transmittal No. DTC–22–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3920. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC–23–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3921. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to the Republic of Hong Kong (Transmittal No. DTC–21–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3922. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Thailand (Transmittal No. DTC–16–92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3923. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending June 30, 1992, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3924. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 102–361); to the Committee on Foreign Affairs and ordered to be printed.

3925. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3926. A letter from the Director, Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act in order to increase the authorization for appropriations for fiscal year 1993; to the Committee on Foreign Affairs.

3927. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 2901, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3928. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 5260, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3929. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 1306, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3930. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by House Joint Resolution 509, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Operations.

3931. A letter from the Small Business Administration, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3932. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing special fundraising projects and other use of candidate names by unauthorized committees, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

3933. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3934. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3935. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3936. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Fiscal Year 1991 report on the implementation of the Indian Self-Determination and Education Assistance Act, pursuant to 25 U.S.C. 450j–1(c); to the Committee on Interior and Insular Affairs.

3937. A letter from the Secretary, Department of the Interior, transmitting the Department's notice on leasing systems for the Western Gulf of Mexico, Sale 141, scheduled to be held in August 1992, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

3938. A letter from the Department of Justice, transmitting a copy of a report entitled "Report on the Legalized Alien Population"; to the Committee on the Judiciary.

3939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination that the "Agreement on Trade Relations Between the Government of the United States and the Government of Romania" will promote the purposes of the Trade Act of 1974 and is in the national interests, pursuant to 19 U.S.C. 2437(a); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on July 9, 1992, the following report was filed on July 16, 1992]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4059. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize additional functions within the Enterprise for the Americans Initiative, and for other purposes; with an amendment (Rept. 102–667, Pt. 1). Ordered to be printed.

[Submitted July 21, 1992]

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1182. A bill to authorize and direct the exchange of lands in Colorado; with an amendment (Rept. 102–398, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2735. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation applicable to regulated investment companies, and for other purposes; with amendments (Rept. 102–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4394. A bill to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; with an amendment (Rept. 102–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1993 (Rept. 102–670). Referred to the Committee on the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 5481. A bill to amend the Federal Aviation Act of 1958 relating to administrative assessment of civil penalties; with an amendment (Rept. 102–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 5620. A bill making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3157. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; with an

amendment (Rept. 102–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3898. A bill to provide for the addition of the Truman National Historic Site in the State of Missouri; with an amendment (Rept. 102–674). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4004. A bill to assist in the development of tribal judicial systems, and for other purposes; with an amendment (Rept. 102–675). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4085. A bill to amend the act of August 7, 1961, establishing the Cape Cod National Seashore, and for other purposes; with amendments (Rept. 102–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4382. A bill to modify the boundaries of the New River Gorge National River, the Gauley River National Recreation Area, and Bluestone National Scenic River in West Virginia; with amendment (Rept. 102–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 2079. A bill to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes; with an amendment (Rept. 102–678). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5492. A bill to provide environmental assistance to Indian tribes, and for other purposes (Rept. 102–680, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4437. A bill to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the U.S. Army Corps of Engineers under the authority of Public Law 100–202 (Rept. 102–681, Pt. 1). Ordered to be printed.

Mr. GORDON: Committee on Rules. House Resolution 517. Resolution waiving certain points of order against and during consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes (Rept. 102–683). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 711. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; with an amendment (Rept. 102–679). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1219. A bill to designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than July 28, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n) of rule X. (Rept. 102–682, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PENNY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 5619. A bill to reorganize technically chapter 36 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H.R. 5620. A bill making supplemental appropriations, transfers, and recissions for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. GONZALEZ:

H.R. 5621. A bill to prohibit the transportation in interstate commerce or from any foreign country into the United States of services provided by convicts or prisoners, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DELLUMS (for himself and Ms. NORTON):

H.R. 5622. A bill to authorize an additional Federal contribution to the District of Columbia for fiscal year 1993 for youth and anticrime initiatives in the District of Columbia; to the Committee on the District of Columbia.

H.R. 5623. A bill to waive the period of congressional review for certain District of Columbia acts; to the Committee on the District of Columbia.

By Mr. DONNELLY:

H.R. 5624. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain employer-sponsored scholarships; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 5625. A bill to prohibit Federal financial assistance to State and local governments that extend the right to vote to undocumented aliens; jointly, to the Committees on the Judiciary and Government Operations.

By Mr. JACOBS:

H.R. 5626. A bill to prohibit candidates for Federal office from using campaign contributions for inherently personal purposes; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. LENT, and Mr. FIELDS) (all by request):

H.R. 5627. A bill to amend the Merchant Marine Act, 1936, as amended, to establish a contingency retainer program and improve the United States flag merchant marine; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. LAFALCE:

H.R. 5628. A bill to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEACH:

H.R. 5629. A bill to extend the statute of limitations on tort actions brought by the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ (for himself, Mr. FORD of Michigan, Mr. GOODLING, Mr. KILDEE, Mr. FAWELL, Mrs. LOWEY of New York, and Mr. DE LUGO):

H.R. 5630. A bill to amend the Head Start Act to expand services provided by Head Start Programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes; to the Committee on Education and Labor.

By Mr. SANGMEISTER:

H.R. 5631. A bill to establish the Civilian Technology Corporation to provide financial support for precommercial research and development in technologies that are significant to the technology base of the United States; to the Committee on Science, Space, and Technology.

By Mr. SCHUMER:

H.R. 5632. A bill to amend title 18, United States Code, to require Federal firearms licensees to provide such firearms record information as may be necessary to aid in the tracing of firearms in the course of a law enforcement investigation; to the Committee on the Judiciary.

H.R. 5633. A bill to amend title 18, United States Code, to expand the scope of the multiple firearms sales reporting requirement, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms; to the Committee on the Judiciary.

H.R. 5634. A bill to amend title 18, United States Code, to prevent certain convicted felons from regaining access to firearms; to the Committee on the Judiciary.

By Mr. SANGMEISTER:

H. Con. Res. 349. Concurrent resolution to express the sense of the Congress that Federal spending on civilian research and development should comprise 70 percent of total Federal research and development spending by fiscal year 1997; to the Committee on Science, Space, and Technology.

By Mrs. SCHROEDER:

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress that the dosage of the drug RU–486 seized from Leona Benten should be returned to her for her personal use under the supervision of her physician; to the Committee on Ways and Means.

By Mr. SWIFT (for himself, Mr. DINGELL, Mr. LENT, and Mr. RITTER):

H. Res. 516. Resolution to provide for the consideration of the Senate amendment to H.R. 2607; rules suspended, considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

500. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to restoring State grants under the Federal Mine Safety and Health Act of

1977; to the Committee on Education and Labor.

501. Also, memorial of the General Assembly of the State of New Jersey, relative to the patriot Thomas Paine; to the Committee on House Administration.

502. Also, memorial of the House of Representatives of the State of Florida, relative to Heriberto Mederos; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. SCHROEDER introduced a bill (H.R. 5635) for the relief of Leona Benten; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. BARNARD.
H.R. 110: Mr. HOCHBRUECKNER.
H.R. 213: Mr. PETERSON of Minnesota.
H.R. 299: Mr. DUNCAN.
H.R. 301: Mr. INHOFE.
H.R. 318: Mr. HAYES of Illinois.
H.R. 327: Mr. JOHNSON of South Dakota.
H.R. 371: Mr. LOWERY of California, Mr. COMBEST, and Mr. CHANDLER.
H.R. 643: Mr. GOSS.
H.R. 783: Mr. GOSS.
H.R. 1066: Mr. HOCHBRUECKNER.
H.R. 1106: Mr. INHOFE.
H.R. 1110: Mr. GILCHREST.
H.R. 1245: Mr. GUNDERSON.
H.R. 1317: Mr. BACCHUS, Mr. PACKARD, Mr. ALLEN, and Mr. JOHNSON of South Dakota.
H.R. 1468: Mrs. MINK.
H.R. 1704: Mr. BATEMAN, Mr. GORDON, and Mr. GOSS.
H.R. 1746: Mrs. MINK.
H.R. 1755: Mr. GOSS.
H.R. 1987: Mr. MURTHA.
H.R. 2083: Mr. VISCLOSKY.
H.R. 2164: Mr. MOODY and Mr. HALL of Texas.
H.R. 2336: Mr. GOSS.
H.R. 2452: Mr. PALLONE and Mr. GOSS.
H.R. 2595: Mr. ALLEN, Mr. GOSS and Mr. INHOFE.
H.R. 2648: Mr. BONIOR.
H.R. 2872: Mr. LENT and Mr. SANGMEISTER.
H.R. 2945: Mr. RAY and Mr. RAVENEL.
H.R. 2966: Mr. PEASE and Mr. MAZZOLI.
H.R. 3026: Mr. SIKORSKI.
H.R. 3137: Mr. GOSS.
H.R. 3164: Mr. GORDON, Mr. SPRATT, Mr. JACOBS and Mr. CRAMER.
H.R. 3217: Mr. GOSS.
H.R. 3236: Mr. MONTGOMERY.
H.R. 3349: Mr. GINGRICH.
H.R. 3425: Mr. LANCASTER and Mr. EMERSON.
H.R. 3441: Mr. GOSS and Mr. JOHNSON of South Dakota.
H.R. 3462: Mrs. COLLINS of Michigan.
H.R. 3522: Mr. KENNEDY.
H.R. 3578: Mrs. MINK.
H.R. 3656: Mrs. MINK.
H.R. 3710: Mr. FOGLIETTA.
H.R. 3748: Mr. MCMILLEN of Maryland and Mr. PENNY.
H.R. 3780: Mr. GOSS and Mr. JOHNSON of South Dakota.
H.R. 3801: Mr. GONZALEZ.
H.R. 3806: Mr. EVANS, Mrs. JOHNSON of Connecticut, and Mr. RAHALL.
H.R. 3843: Mr. RIDGE.
H.R. 3939: Mr. LEVIN of Michigan, Mr. FAZIO, and Mrs. SCHROEDER.
H.R. 3967: Mr. COX of California and Mr. ZELIFF.
H.R. 4008: Mr. GILMAN.
H.R. 4040: Mr. BAKER.
H.R. 4141: Mr. ROTH.
H.R. 4178: Mr. YOUNG of Alaska and Mr. BILIRAKIS.
H.R. 4182: Mr. ZELIFF.
H.R. 4192: Mr. KANJORSKI.
H.R. 4244: Mr. HALL of Ohio and Mr. BLAZ.
H.R. 4255: Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Mr. ENGEL, Mr. GEJDENSON, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. NEAL of North Carolina, Mr. OLVER, Mr. PALLONE, Mr. REED, Mr. SLATTERY, Mr. SWETT, Mr. TORRES, Mr. TOWNS, and Ms. WATERS.
H.R. 4288: Mr. INHOFE.
H.R. 4315: Mr. ZELIFF.
H.R. 4418: Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. DORNAN of California, Mr. GINGRICH, and Mr. FRANK of Massachusetts.
H.R. 4498: Mr. ATKINS.
H.R. 4501: Mr. INHOFE.
H.R. 4507: Mrs. MEYERS of Kansas, Mr. GILCHREST, Mr. JOHNSTON of Florida, Mr. SAWYER, and Mr. GINGRICH.
H.R. 4606: Mr. JOHNSON of South Dakota.
H.R. 4608: Mr. JOHNSON of South Dakota.
H.R. 4754: Mr. ERDREICH, Mr. SHUSTER, Mr. BAKER, and Mr. OXLEY.
H.R. 4897: Mr. HUNTER and Mr. PETRI.
H.R. 4918: Ms. KAPTUR.
H.R. 4930: Mr. PURSELL and Mr. ZELIFF.
H.R. 4962: Mr. LEHMAN of California, Ms. MOLINARI, and Mr. RICHARDSON.
H.R. 4963: Mr. WISE and Mr. LEHMAN of California.
H.R. 5008: Mr. MONTGOMERY.
H.R. 5011: Mr. OWENS of Utah.
H.R. 5060: Mr. TOWNS.
H.R. 5087: Mr. BLAZ.
H.R. 5108: Mr. BLACKWELL.
H.R. 5113: Mr. ZIMMER and Mr. ZELIFF.
H.R. 5208: Mr. FOGLIETTA, Mr. SANDERS, Mr. JONES of Georgia, and Mr. CARDIN.
H.R. 5237: Mr. CLINGER, Mr. HEFNER, Mr. VISCLOSKY, Mr. DAVIS, and Mr. SHARP.
H.R. 5250: Mr. BURTON of Indiana, Mr. CRANE, and Mr. LIPINSKI.
H.R. 5264: Mr. FOGLIETTA.
H.R. 5276: Mr. OLIN, Mr. BAKER, Mr. MCMILLAN of North Carolina, Mr. CLINGER, Mr. QUILLEN, Mr. NEAL of North Carolina, Mr. THOMAS of Wyoming, Mr. BROOMFIELD, Mr. SPENCE, Mr. ANTHONY, Mr. EWING, Mr. VALENTINE, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. FASCELL, and Mr. MARLENEE.
H.R. 5282: Mr. HYDE.
H.R. 5294: Mr. CLINGER, Mr. GILCHREST, and Mr. HAYES of Illinois.
H.R. 5308: Mr. ERDREICH, Ms. NORTON, Mr. TOWNS, Mr. LEWIS of Florida, Mr. EMERSON, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mr. HORTON, Mr. MCCRERY, Mr. RAVENEL, Mr. VANDER JAGT, and Mr. ZIMMER.
H.R. 5320: Mr. CLINGER, Mr. GILCHREST, and Mr. WISE.
H.R. 5321: Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. DURBIN, Mr. ROEMER, and Mr. SOLOMON.
H.R. 5340: Mr. INHOFE and Mr. SENSENBRENNER.
H.R. 5355: Mr. ABERCROMBIE.
H.R. 5360: Mr. DIXON, Mr. ROYBAL, and Mr. CARDIN.
H.R. 5366: Mr. EWING, Mr. ROBERTS, Mr. VALENTINE, and Mr. BROWN.
H.R. 5377: Ms. LONG, Mr. BERMAN, Mr. JOHNSON of South Dakota, Ms. SNOWE, Mr. GEREN of Texas, Mr. KLUG, Mr. MARTIN, and Mr. HOAGLAND.
H.R. 5391: Ms. NORTON and Mr. ATKINS.
H.R. 5437: Mr. FALEOMAVAEGA.
H.R. 5466: Mr. MINETA, Mr. GINGRICH, Mr. VANDER JAGT, and Ms. HORN.
H.R. 5476: Ms. NORTON, Mr. STALLINGS, Mr. ATKINS, Mr. BENNETT, Mr. ROBERTS, Mr. SKELTON, Mr. WYDEN, Mr. ANNUNZIO, Mr. SLATTERY, Mr. STUDDS, Mr. TALLON, Mrs. UNSOELD, Mr. AUCOIN, Mr. HUBBARD, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. MCDADE, Mr. FEIGHAN, Mr. MILLER of Ohio, Mr. NATCHER, Mr. PASTOR, Mr. HALL of Ohio, Mr. HARRIS, Mr. KENNEDY, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. MCMILLEN of Maryland, Mr. NEAL of Massachusetts, Mr. SARPALIUS, Mr. BEVILL, Mr. GALLEGLY, Mr. MURPHY, Ms. OAKAR, Mr. PICKETT, Ms. SLAUGHTER, Mr. SPRATT, Mr. VISCLOSKY, Mrs. BENTLEY, Mr. BILBRAY, Mr. EMERSON, Mr. LANCASTER, and Mr. APPLEGATE.
H.R. 5478: Mr. SCHUMER.
H.R. 5489: Mr. LEWIS of Florida.
H.R. 5500: Ms. NORTON.
H.R. 5507: Mr. KOPETSKI, Mr. MAZZOLI, and Mrs. SCHROEDER.
H.R. 5550: Mr. PACKARD, Mr. RIGGS, Mr. GOSS, Mr. ZELIFF, Mr. JOHNSON of South Dakota, and Mr. INHOFE.
H.R. 5551: Mr. PACKARD, Mr. GOSS, Mr. ZELIFF, Mr. OXLEY, and Mr. INHOFE.
H.R. 5552: Mr. RIGGS, Mr. ZELIFF, and Mr. INHOFE.
H.R. 5553: Mr. PACKARD, Mr. GOSS, Mr. ZELIFF, Mr. INHOFE, and Mr. LAGOMARSINO.
H.R. 5554: Mr. GOSS.
H.R. 5592: Mr. OXLEY and Mr. DORNAN of California.
H.J. Res. 19: Mr. MCNULTY.
H.J. Res. 145: Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. BONIOR, and Mr. BLAZ.
H.J. Res. 152: Mr. SMITH of Texas, Mr. DORNAN of California, Mr. SLATTERY, Mr. PASTOR, Mr. NAGLE, Mr. SHARP, Mr. SKELTON, Mr. MCCOLLUM, Mr. HAMMERSCHMIDT, Mrs. MINK, Mr. POSHARD, Mr. ROE, Mr. MURPHY, Mr. MURTHA, Mr. HASTERT, Mr. NATCHER, and Mr. SARPALIUS.
H.J. Res. 237: Mr. PETERSON of Florida, Mr. JONES of North Carolina, Mr. EMERSON, Mr. RAMSTAD, Mr. STAGGERS, Mr. COYNE, Mr. COUGHLIN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. WOLF, Mr. TAUZIN, Mr. SOLARZ, and Ms. LONG,
H.J. Res. 238: Mr. KASICH, Mr. HAYES of Illinois, Mr. HEFNER, Mr. GONZALEZ, Mr. EWING, Mr. ANDERSON, Mr. HAMMERSCHMIDT, Mr. MOAKLEY, and Mr. DOOLITTLE.
H.J. Res. 353: Mrs. BOXER, Mr. DONNELLY, Mr. HAMMERSCHMIDT, Mr. HYDE, Mr. LEACH, and Mr. RIGGS.
H.J. Res. 393: Mr. DARDEN, Mr. STUDDS, Mr. ABERCROMBIE, Mr. ROTH, Mr. HOBSON, Ms. PELOSI, Mr. DWYER of New Jersey, Mr. ROYBAL, Mr. HORTON, Mr. RINALDO, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. KOLTER, Mr. KLECZKA, Mr. KOPETSKI, Mr. MAZZOLI, Mr. DORNAN of California, Mr. DINGELL, Mr. SHAW, Mr. BURTON of Indiana, Mr. ARCHER, Mr. BLACKWELL, Mr. TAUZIN, Mr. GEJDENSON, Mr. PETRI, Mr. SCHIFF, and Mr. HALL of Ohio.
H.J. Res. 398: Mr. LIVINGSTON, Mr. HUTTO, Mr. HYDE, Mr. GILMAN, Mr. MCGRATH, Mr. MCDADE, Mr. TRAFICANT, Mr. WILSON, Mr. SPENCE, Mr. HAMMERSCHMIDT, Mr. HALL of Ohio, Mr. GINGRICH, Mr. KANJORSKI, Mr. HARRIS, MR. SABO, Mrs. UNSOELD, Mr. ROSE, Mr. QUILLEN, Ms. LONG, Ms. NORTON, Mr. SMITH of Texas, Mr. BALLENGER, Mr. JONTZ, Mr. JONES of North Carolina, Mr. OXLEY, Mrs. BENTLEY, Mr. BORSKI, Mr. ARCHER, Mr. CALLAHAN, Mr. CLINGER, Mr. DOOLITTLE, Mr. LENT, Mr. PERKINS, Mr. HAYES of Illinois,

and Mr. SLATTERY, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. HOYER, and Mr. YOUNG of Florida.

H.J. Res. 399: Mr. ANDREWS of Maine, Mr. NATCHER, Mr. GEREN of Texas, and Mrs. KENNELLY.

H.J. Res. 408: Mr. ROSE.

H.J. Res. 422: Mr. EVANS and Mr. KASICH.

H.J. Res. 440: Mrs. COLLINS of Michigan.

H.J. Res. 455: Mr. LANCASTER, Mr. KENNEDY, Mr. ROSE, and Mr. STARK.

H.J. Res. 469: Mr. DIXON, Mr. PURSELL, Mrs. MORELLA, Mr. HUBBARD, Mr. HOBSON, Mr. MOAKLEY, Mr. COYNE, Mr. SARPALIUS, Ms. KAPTUR, Mr. WELDON, Mr. MRAZEK, Mr. TAYLOR of Mississippi, Mr. STARK, Mr. PALLONE, Mr. SHARP, Mr. MILLER of Washington, Mrs. MEYERS of Kansas, Mr. FALEOMAVAEGA, Mr. SMITH of Florida, Mr. HAMILTON, Mr. HUTTO, Mr. MOODY, Mr. ROWLAND, Mr. SOLOMON, Mr. FAWELL, Mr. SLATTERY, Mr. GONZALEZ, Mr. SAVAGE, and Mr. DAVIS.

H.J. Res. 474: Mr. COX of Illinois, Mr. SAWYER, Mr. NATCHER, Mr. DORGAN of North Dakota, Mr. HYDE, Ms. SLAUGHTER, Mr. ARCHER, Mr. ROSE, Mr. FRANKS of Connecticut, and Mr. COBLE.

H.J. Res. 478: Mr. MCMILLEN of Maryland and Mr. ZELIFF.

H.J. Res. 483: Mr. WASHINGTON and Mr. MACHTLEY.

H.J. Res. 488: Mr. SAWYER, Mr. BACCHUS, Mr. GORDON, Mr. WOLF, Mr. CRAMER, Mr. ROSE, Mr. SMITH of Texas, Mr. PERKINS, and Mr. HALL of Ohio.

H.J. Res. 489: Mr. PANETTA, Mr. ECKART, Mr. CAMP, Mr. DOOLEY, Mr. WOLPE, Mr. MCCANDLESS, Mr. DORNAN of California, Mr. BERMAN, Mr. FORD of Tennessee, Mr. BATEMAN, Mr. GALLEGLY, and Mr. LAGOMARSINO.

H.J. Res. 492: Mr. JACOBS, Mr. EARLY, Mr. RHODES, Mr. LEVIN of Michigan, Mr. MCCANDLESS, Mr. UPTON, Ms. SLAUGHTER, Mr. MOORHEAD, Mrs. MINK, Mr. GRADISON, Mr. GINGRICH, Mr. HANSEN, Mr. MANTON, Mr. HALL of Texas, Mr. PICKETT, Mr. MCCLOSKEY, Mr. CHAPMAN, Mrs. COLLINS of Illinois, Mr. HEFNER, Mr. GONZALEZ, Mr. MAZZOLI, Mr. ALEXANDER, Mr. KENNEDY, Mr. DORNAN of California, Mr. EMERSON, Mr. FAWELL, Mr. WAXMAN, Mr. HAYES of Louisiana, Mr. GALLEGLY, Mr. MCDADE, Mr. BUSTAMANTE, Mr. SMITH of Iowa, Mr. ARCHER, Mr. AUCOIN, Mr. TRAXLER, Mr. ERDREICH, Mr. SWETT, Mr. DOOLEY, Mr. BREWSTER, Mr. SHAW, Mr. MCMILLEN of Maryland, Mr. SPRATT, Mr. MONTGOMERY, Mr. HORTON, Mr. KASICH, Mr. HENRY, Mr. LEHMAN of Florida, Mr. SAVAGE, Mr. WOLF, Mr. CLINGER, Mr. MCNULTY, Mr. KOLTER, Mr. RANGEL, Mrs. ROUKEMA, Ms. NORTON, Mr. HALL of Ohio, Mr. PURSELL, Mr. HAYES of Illinois, Mr. OBERSTAR, Mr. LAFALCE, Ms. DELAURO, Mr. SERRANO, Mr. FAZIO, Mr. POSHARD, Mr. WALSH, Mr. HUGHES, Mr. FROST, Mr. GUARINI, Mr. DURBIN, Mr. DE LUGO, Mr. GEREN of Texas, Mr. LIVINGSTON, Mr. APPLEGATE, Mr. QUILLEN, Mr. EVANS, Mr. PAXON, Mr. LANCASTER, Mr. CALLAHAN, Mr. PAYNE of New Jersey, Mr. HOBSON, Mr. PARKER, Mr. ESPY, Mr. DIXON, Mrs. JOHNSON of Connecticut, Mr. ANDERSON, Mr. CRAMER, Mrs. COLLINS of Michigan, Mr. GORDON, Mr. PALLONE, MR. GRANDY, Mr. BEVILL, Mr. LENT, Mr. RIGGS, Mr. HARRIS, Mr. KLECZKA, Mr. BATEMAN, Ms. MOLINARI, Mr. FOGLIETTA, Mr. TRAFICANT, Mr. HASTERT, Mr. STARK, Mr. DICKS, Mr. GALLO, Mrs. PATTERSON, Mr. HOAGLAND, Mr. GILLMOR, Mr. HOCHBRUECKNER, Mr. DWYER of New Jersey, Mr. HAMILTON, Mr. PACKARD, Mr. MOAKLEY, Mr. DOOLITTLE, Ms. HORN, Mr. NOWAK, Mr. TANNER, Mr. YATRON, Mr. CAMP, Mr. MILLER of Washington, Mr. RINALDO, Mr. FASCELL, Mr. TAYLOR of North Carolina, Mr. TALLON, Mr. COLORADO, Mr. JENKINS, Mr. MFUME, Mr. PASTOR, Mr. SISISKY, Mr. ASPIN, and Mr. SCHIFF.

H.J. Res. 495: Mr. CONYERS, Mr. PAYNE of New Jersey, Mrs. COLLINS of Michigan, Mr. MOLLOHAN, Mr. EMERSON, and Mr. PALLONE.

H.J. Res. 498: Mr. OLIN, Mr. SANDERS, Mr. CAMP, Mr. PICKETT, Mr. SIKORSKI, and Mr. SANGMEISTER.

H.J. Res. 506: Mr. EVANS and Mr. ROEMER.

H.J. Res. 520: Mr. EMERSON and Mr. HARRIS.

H. Con. Res. 11: Mr. MCNULTY.

H. Con. Res. 92: Mr. KANJORSKI, Mr. RHODES, Mr. RAVENEL, Mr. GEREN of Texas, Mr. ABERCROMBIE, Mr. CRAMER, Mr. MCDERMOTT, Mr. HOYER, Mr. CARPER, Ms. OAKAR, Mr. BROOMFIELD, Mr. SAXTON, Ms. KAPTUR, Mrs. MINK, Mr. GUNDERSON, Mr. OLIN, Mr. RINALDO, Mr. GORDON, Mr. HYDE, Mrs. UNSOELD, Mr. RITTER, Mr. HUNTER, Mr. BILBRAY, Mr. EVANS, Mr. RAMSTAD, Mr. VANDER JAGT, Mr. COX of California, Mr. MAZZOLI, Mr. UPTON, Mr. ROTH, Mr. GOODLING, Mr. SCHAEFER, Mr. EDWARDS of California, and Mr. WISE.

H. Con. Res. 223: Mr. BEILENSON, Mr. DORGAN of North Dakota, Mr. EARLY, Mr. MANTON, Mr. STAGGERS, Mr. STALLINGS, and Mr. WALSH.

H. Con. Res. 224: Mr. MINETA.

H. Con. Res. 278: Mr. RANGEL, Mr. SOLOMON, and Mr. WEISS.

H. Con. Res. 295: Mr. FRANK of Massachusetts.

H. Con. Res. 296: Mr. LEWIS of Florida.

H. Con. Res. 322: Mr. JOHNSON of South Dakota, Mr. PACKARD, Mr. SMITH of Oregon, Mr. GALLEGLY, Mr. OXLEY, Mr. BOEHNER, Mrs. MEYERS of Kansas, Mr. LEWIS of Georgia, Mr. PAXON, Mr. UPTON, Mr. MOORHEAD, Mr. DOOLITTLE, Ms. HORN, Mr. ZIMMER, Mr. SANTORUM, Mr. KLUG, Mr. LIVINGSTON, Mr. EMERSON, Mr. BATEMAN, Mr. WALSH, Mr. MACHTLEY, Mr. COMBEST, and Mr. CRANE.

H. Con. Res. 344: Mr. LAFALCE, Mr. YATES, Mrs. BOXER, Mr. FRANK of Massachusetts, Mr. DURBIN, Mr. LEVINE of California, Mr. RANGEL, Mr. EDWARDS of California, Mr. SABO, Mr. DORGAN of North Dakota, Mr. BENNETT, Mr. EWING, Mr. WAXMAN, Mr. RICHARDSON, and Mr. BLACKWELL.

H. Res. 129: Mr. SERRANO, Mr. MORAN, Mr. MARKEY, Mr. WOLPE, Mr. ARCHER, Mr. BEILENSON, Mr. MACHTLEY, Mr. MCHUGH, and Mrs. UNSOELD.

H. Res. 296: Mr. MINETA.

H. Res. 478: Mr. ATKINS.

H. Res. 490: Mr. WAXMAN, Mr. DIXON, and Mr. FRANK of Massachusetts.

H. Res. 515: Mr. BERMAN, Mr. MRAZEK, Ms. PELOSI, Mr. WAXMAN, Mr. ESPY, Ms. NORTON, Mr. HALL of Ohio, Mr. DELLUMS, and Mr. LEHMAN of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4312

By Mr. CONDIT:

—Page 7, line 2, after "State." insert "The prohibitions of this subsection also do not apply with respect to any State or political subdivision that does not receive a Federal grant to cover all expenses resulting from compliance with this subsection. The Attorney General may make such grants.".

H.R. 5236

By Mr. LIVINGSTON:

—page 2, strike lines 4 through 7.

—Page 2, line 8, strike "(5)" and insert "(4)".

—Page 2, after line 16, insert the following:

SEC. 4. REPEAL OF PRECLEARANCE REQUIREMENT.

(a) IN GENERAL.—The Voting Rights Act of 1965 is amended by striking section 5.

(b) CONFORMING AMENDMENTS.—The Voting Rights Act of 1965 is amended—

(1) in section 4(a)(1), by striking subparagraph (D);

(2) in section 12, by striking "4, 5," each place it appears and inserting "4,"; and

(3) in section 14, by striking "or section 5" each place it appears.

—Add at the end of the bill the following:

SEC. 4. EXTENSION OF PRECLEARANCE REQUIREMENT.

Section 5(a) of the Voting Rights Act of 1965 is amended by striking "with respect to which" the first place it appears and all that follows through "November 1, 1972" and inserting "shall enact or seek to administer any voting qualifications or prerequisite, standard, practice, or procedure with respect to voting different from that in force or effect on the date of the enactment of the Voting Rights Extension Act of 1992".

H.R. 5503

By Mr. SOLOMON:

—On page 97, after line 3, add the following new section:

Sec. 320. Legislative Line Item Veto Rescission Authority.

(a) SHORT TITLE.—This section may be cited as the "Legislative Line Item Veto Act of 1992."

(b) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal year 1993 which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this Act of limiting discretionary spending in fiscal year 1993; and

(2) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act for fiscal year 1993 or a joint resolution making continuing appropriations providing such budget authority for fiscal year 1993. The President shall submit a separate rescission message for each appropriations bill under this paragraph.

(c) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this section as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(B) The period referred to in subparagraph (A) is—

(i) a congressional review period of 20 calendar days of session under subsection (e), during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exer-

cise his authority to sign or veto the rescission disapproval bill; and

(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

(d) DEFINITIONS.—For purposes of this section the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1993, in whole, rescinded in a special message transmitted by the President under this section.

(e) CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.—

(1) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this section, the President shall transmit to both Houses of Congress a special message specifying—

(A) the amount of budget authority rescinded;

(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(C) the reasons and justifications for the determination to rescind budget authority pursuant to this section;

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(E) all factions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(2) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(A) Each special message transmitted under this section shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(B) Any special message transmitted under this section shall be printed in the first issue of the Federal Register published after such transmittal.

(3) REFERRAL OF RESCISSION DISAPPROVAL BILL.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(4) CONSIDERATION IN THE SENATE.—

(A) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

(B) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(5) POINTS OF ORDER.—

(A) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this section.

(B) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(C) Subparagraphs (A) and (B) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

EXTENSIONS OF REMARKS

ADMINISTRATION MISLEADING US ON FETAL TISSUE BANK

HON. TED WEISS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. WEISS. Mr. Speaker, within the next few weeks, Congress will again vote on the NIH Revitalization Amendments of 1992. This bill was vetoed last month by President Bush, because of his opposition to a provision that would overturn the ban on Federal funds for fetal tissue transplant research.

All of us in Congress have received heartbreaking letters from family members of patients with Alzheimer's disease, Parkinson's disease, juvenile diabetes, and other illnesses, beseeching us to overturn this ban. Many believe that fetal tissue transplants offer the best hope for their loved ones. In justifying his veto, the President claimed that the needs of those patients could be served by a new federally funded fetal tissue bank, using only tissue from miscarriages and ectopic pregnancies, instead of tissue from elective abortions. Many experts were incredulous that such a bank could possibly be useful, I want to advise my colleagues that the Department of Health and Human Services' own documents show that this bank will not work.

In May, I requested the U.S. Department of Health and Human Services' documentation regarding the viability of a fetal tissue bank. I was shocked to learn that the President's Executive order is based on optimistic guesses that have only a peripheral relationship to scientific fact.

According to HHS' own documents, the administration's estimates of the availability of fetal tissues from spontaneous abortions and ectopic pregnancies are politically motivated optimistic estimates. The Department's own scientists expressed concern that the amount of fetal tissue available from women who were hospitalized during or immediately after their miscarriage "would not be sufficient" and obtaining an adequate supply of tissue from ectopic pregnancies "is more problematic."

The Department's politicization of this issue, of such importance to millions of American families, is unconscionable. However, it is not the end of the story. In addition to misrepresenting the likely usefulness of the tissue bank, the Department has also omitted crucial cost information. Whereas HHS experts estimated that the first year of the tissue bank would cost $3 million, and this number would increase by an additional $1 million in each subsequent year, the Department has not mentioned the expected rapid escalation of costs after the first year.

It appears that the criticisms put forth by HHS experts of the fetal tissue bank were not politically correct, and therefore the numbers were inflated to justify the administration's decision to block the expected congressional reversal of the ban on fetal tissue transplant research.

It is profoundly disturbing that the NIH Revitalization Amendments were vetoed on the basis of smoke and mirrors masquerading as hope for victims of Parkinson's disease, Alzheimer's disease, junveile diabetes, and other devastating illnesses. However, I believe that the newly revised NIH bill, which represents a compromise between the administration's fetal tissue bank and the congressional support of scientific research, is a reasonable one. I therefore urge my colleagues to support this compromise.

The staff analysis of these documents follows:

HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

To: Ted Weiss, Chairman.
From: Diana Zuckerman, Ph.D., Professional Staff Member.
Date: July 21, 1992.

In May 1992, we requested that the Department of Health and Human Services provide the evidence to back up their proposal for a fetal tissue bank using tissue from miscarriages and ectopic pregnancies. The Department repeatedly promised the documents, but did not provide them until the day after the House of Representatives failed to override the President's veto of the NIH Reauthorization bill, which would have required the Department to overturn its ban on Federal funds for fetal tissue transplant research.

The documents provided by HHS indicate that the "evidence" supporting a fetal tissue bank actually indicates why it will not work, and the cost estimates provided by the Administration are far below what their own scientists believe are needed.

In this analysis, I will examine each of the estimates provided by the Department, and explain why they are insupportable, based on their own scientific evidence.

HHS experts estimated that the number of spontaneous abortions each year are between 600,000 and 750,000. Instead of using the average or the most conservative estimate, the Administration chose the highest figure (750,000) in order to support their plan for a tissue bank.

It is widely agreed that tissue from miscarriages would only be usable if the miscarriage occurred in a hospital. However, most miscarriages occur outside the hospital, frequently at home. In the HHS Fact Sheet, the Department states that the most recent statistics available showed that 91,000 women were discharged from hospitals in 1985 with a diagnosis of miscarriage (spontaneous abortion). For no apparent reason other than making their numbers look better, the Department increased this number to 100,000.

Another HHS memo admits that "a significant percentage of these hospital stays would be for subsequent bleeding, infection, etc., that would occur sometime after the tissue was passed (and lost), probably at home." They are correct that only a small percentage of these hospitalized women were likely to have been in the hospital at the time of the miscarriage and therefore have usable fetal tissue to donate. However, this fact was ignored, as all subsequent Department estimates built on the inflated 100,000 number.

The vast majority of miscarriages involve genetically abnormal fetuses, thus making the fetal tissue unusable for transplantation. In the next step of creative statistics, the Administration estimated that 7% of the 100,000 hospitalized women would have fetal tissue that was genetically normal and recently deceased. This estimate is based on a finding of "almost 7%" in one study at three New York City hospitals, by a scientist (Dr. Julianne Byrne) who was at NIH at the time that the tissue bank idea was being developed. Nobody knows if this percentage would be true at other hospitals in the country.

In the next step, the Administration again used Dr. Byrne's NYC study to estimate that 38% of the 7,000 fetal remains would be between 9–16 weeks of gestational age, resulting in 2,800 usable fetal remains. Again, these estimates ignored the fact that most of those 7,000 miscarriages occurred somewhere other than the hospital, therefore resulting in no usable tissue.

This 38% estimate is appropriate for all types of transplants considered, but is not applicable to each specific kind of transplant. For example, the Director of the Yale fetal tissue bank reports that fetal tissue from 9–12 weeks gestation is necessary for neural transplants (rather than 9–16 weeks).

Infection is a major problem that also causes miscarriage, or can occur after miscarriage. For example, in a letter to Sen. Hatch, Dr. Byrne included "a word of caution: on the basis of unpublished work, I suspect that bacterial infection may play a part in a significant number of these miscarriages. In some cases, the fetus itself was septic. Viral infections would be another worry for the area of transplants." The Department arbitrarily assumed that 45% of the remains will not be usable because of infection. However, according to Dr. Eugene Redmond, Director of the Yale fetal tissue bank, the chances of infection are likely to be much higher. At Yale, where many sterile precautions are used to protect the sterility of tissue from elective abortions, 30% are not usable because of infection. In the much less sterile conditions under which most miscarriages occur, an estimate of at least 60–75% or more would be expected. Dr. Redmond points out that even if a miscarriage occurred in a hospital Emergency Room, it is not likely to be under ideal sterile conditions comparable to those of elective abortions. (For example, in elective abortions, the woman's vagina can be cleaned before the operation, which I have been advised is unlikely to occur before a miscarriage, even in an Emergency Room).

ALTERNATE ESTIMATE.

If the Administration had stayed with their own 91,000 statistic, rather than arbitrarily increasing it to 100,000, their 7% estimate would have been 6,370 fetal remains in-

stead of 7000. However, most important is that both statistics ignore the fact that most of the women who were hospitalized were probably hospitalized too late to donate fetal tissue.

If, for example, one generously assumes that half the miscarriages occurred inside the hospital, the base statistic would be 3,185 instead of 7,000 (or 6,370).

Using the HHS estimate of the number of fetal remains between the ages of 9–16 weeks, 38% of 3,185 would have been 1,114; 38% of 6,370 would have been 2,420. Both these estimates are significantly lower than the HHS estimate.

When the age of the fetus is more than 12 weeks, this must be understood as providing tissue that could be usable for some kinds of transplants, but not for Parkinson's or Alzheimer's.

If HHS had assumed a 60–75% infection rate, and used the estimate of 1,114, this would have resulted in 278–445 fetal remains each year, instead of 1,500.

Whether one uses the 278, 445, or 1,500 estimates, either would be the maximum possible if all hospitals in the U.S. participated, an impossible goal. In fact, it is expected that only a dozen large hospitals will participate in the tissue bank. These estimates also assume that all women would be asked to donate fetal remains, and all would consent to do so; everyone would agree this is another impossible goal.

ECTOPIC PREGNANCIES

According to the Department's memoranda, CDC reported 88,000 ectopic pregnancies in 1987. This was arbitrarily "rounded off' to 100,000, because of an assumed increase since then. While experts agree that ectopic pregnancies have increased, nobody knows whether they have increased that dramatically.

According to information in the HHS memoranda, 75% of ectopic pregnancies are terminated before 8 weeks, which is too early to use for fetal tissue transplants. Therefore, the Administration estimated that 25% (25,000) would be of the appropriate gestational age.

A drug has been developed that can be used instead of surgery for the termination of ectopic pregnancies. This drug destroys the fetal tissue, so that it can not be donated. The Department estimated that 80% of ectopic pregnancies of more than 8 weeks gestation would be terminated by surgery, thus producing 20,000 fetal tissue remains. However, other experts have estimated that in the coming years, most will be terminated with nonsurgical means. Currently, some of the experts in the field (the same people most likely to participate in a tissue bank) are already using nonsurgical methods on most of their patients. If we conservatively estimate that half of these ectopic pregnancies will be surgically terminated, that would be 12,500 instead of 20,000.

In the HHS fact sheet, Department experts admitted that only 5% of ectopic pregnancies yield potentially viable fetal tissue. This reduces their estimate to 1,000; in comparison, 5% of our 12,500 estimate would be only 625.

The Department estimated that 20%–50% of these 1,000 remains would be abnormal, reducing the usable remains to 500–800. Our comparable statistic of 20%–50% of 625 would be 312–500. (This would take into account that half the ectopic pregnancies will probably be terminated by drugs instead of surgery).

TOTAL USABLE REMAINS

The estimates that we have presented above are based on information provided to the Assistant Secretary for Health in documents including but not limited to an internal NIH memo in April 13 of this year. By giving the Administration's plan the benefit of many doubts, we arrive at a maximum possible number of approximately 650 remains, which is less than one third the Department's estimate of 2,000. When we consider the likely participation rate of hospitals (certainly less than 5%) and patients (to be generous, let's say 75%), we arrive at a maximum estimate of 24 remains each year. This estimate is similar to the approximately 1.4 usable remains per major participating hospital that was estimated by Dr. Redmond at Yale; it is not at all consistent with the 2,000 remains (a meaningless nationwide estimate) that were presented as a goal by the Administration.

In speaking to some of the experts who support the proposed tissue bank, I was told that they believe the small amount of tissue that will be available from the bank could be useful in research attempting to develop cell lines that could be used to provide tissue for transplants, but not in providing sufficient fetal tissue for transplants. In other words, they want Federal funding for developing methods to use a small amount of fetal tissue that can be grown into larger amounts of tissue in the laboratory. If it works, this research could be very helpful for patients several years from now; however, they acknowledge that the tissue bank would not be sufficient to treat even small numbers of patients during the next few years. It therefore appears that the scientists who support the tissue bank have a different agenda from the Administration's stated goal. For example, in an April 1992 memorandum, two HHS physicians (Dr. Sandra Mahkorn and Dr. William Archer) advised Dr. Mason that the 1,000–2,000 remains in the tissue bank would provide sufficient tissue for 6,000–7,000 transplants. This estimate appears to have no basis in fact; for example, experts informed HHS that each transplant requires the tissue from at least one fetus.

CONFLICTS OF INTEREST

It is also important to note that some of the scientists who were most supportive of the fetal tissue bank are now planning to apply for funding to participate in such a bank. For example, Dr. Maria Michejda of Georgetown University, whose October 1990 letter to Dr. Bernadine Healy and subsequent briefing to HHS appear to have been instrumental in encouraging the creation of a fetal tissue bank, is one of 13 researchers who wrote to HHS to say they intend to apply for tissue bank funds. Another example is Dr. Michael Caudle from the University of Tennessee Medical Center in Knoxville, who wrote letters to President Bush and the Washington Post supporting the creation of a fetal tissue bank, and also intends to apply for funds.

Given the large number of scientists who believe the tissue bank will not work, these activities suggest that scientific judgment may have been biased by the desire for grant money. While their funding applications would not be surprising or illegal, if those individuals are awarded these funds, it will raise questions of a quid pro quo arrangement with the administration.

COSTS

In addition to misrepresenting the amount of fetal tissue that is likely to be available, the Department has not been completely accurate in describing the costs. According to HHS memoranda, HHS experts estimated that the first year of the tissue bank would cost $3 million, and this would increase by $1 million in each subsequent year (i.e. $4 million the second year, $5 million the third year, etc). However, in his press conference, Dr. Mason only mentioned the first year cost of $3 million, not mentioning the expected increases in subsequent years. Moreover in a letter to Rep. Nancy Johnson, the director of the Yale tissue bank has explained that 3-4 professional staff (including a neurosurgeon) would have to be on call 24-hours each day at each participating hospital in order to obtain tissue at any time a miscarriage occurs; this would obviously increase the cost far above the $3 million budgeted for the first year.

ST. MARY'S PARISH CELEBRATES CENTENNIAL ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of St. Mary's Parish in Belleville, IL. St. Mary's celebrates its centennial anniversary this year, and a series of special events to commemorate this milestone will begin this weekend and run through the spring of 1993.

St. Mary's current building was built on Belleville's western boundary in 1893. This Sunday, the congregation will not only look back on their 100-year history but will look to the future in a newly renovated church building. I commend all those who helped make this newly furbished house of worship possible.

St. Mary's congregation has seen considerable growth in the last century. This centennial celebration is a time to reflect on the fellowship and warm memories shared within the church over the years.

I want to wish the congregation of St. Mary's Parish a happy and blessed centennial anniversary, and I ask my colleagues to join me in saluting St. Mary's Parish on this special anniversary.

A TRIBUTE TO DILLARD J.F. HARRIS

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SANGMEISTER. Mr. Speaker, I rise today to commend an exemplary resident of my district and citizen of this Nation, Dillard J.F. Harris of Shorewood, IL.

Mr. Harris served this Nation as a member of the U.S. Air Force and Air Force Reserve from 1957 to 1984. He saw combat action in Vietnam as a master navigator and during his military career, he rose to the rank of lieutenant colonel.

As if 27 years of proud service to this country were not enough, Mr. Harris has worked tirelessly to improve his community.

An accomplished educator and school administrator, he took the helm of the Fairmont School District near Joliet at a time of crisis in

1976, and when he retired 15 years later, left the district in sound financial and educational condition.

Mr. Harris has been an active contributor to his community as a member and distinguished officer of the Lions Clubs International. He has received numerous commendations from the Lions Clubs, but while his honors are splendid, they pale in comparison to his unceasing efforts to obtain a $50,000 grant from the Lions Clubs International Foundation to help rebuild Plainfield High School, which was destroyed by the 1990 tornado that ravaged my district.

The list of community organizations in which he has been a leader is impressive indeed: president of the Guardian Angel Home board of directors; president of the Joliet Branch of the NAACP; president of the Greater Joliet Area YMCA board of directors; organizer and president of the Will County Area Alliance of Black School Educators; organizer and president of the Joliet Alumni Chapter of Kappa Alpha Psi Fraternity, Inc.; and a volunteer in the Will County Emergency Service Disaster Agency. The list could go on literally for hours.

Mr. Speaker, if all of this Nation's citizens expended just a fraction of the energy that Mr. Harris does on civic causes, I believe many of our community problems would disappear.

SALUTE TO CAROLE DOYLE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Carole Doyle, the longtime executive director of the Carpinteria, CA, Chamber of Commerce upon her retirement.

Mrs. Doyle has served as executive director for 9 years, during which time she represented the chamber at hundreds of events, served as a liaison between the city government and the city's business community, and worked tirelessly to promote the city's business climate.

Mrs. Doyle has also been active in a number of other organizations, including serving on the boards of the Salvation Army and the Girls Club, and as the first female president of the Carpinteria Rotary Club.

She plans to spend her retirement traveling with her husband, Bill, and spending time with her children and grandchildren.

Mr. Speaker, Mrs. Doyle will be honored for her achievements at a barbecue on Friday. I ask my colleagues to join me in saluting her, and in wishing her and Bill well on their retirement.

THE U.S. STRATEGIC NUCLEAR TRIAD

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. FASCELL. Mr. Speaker, the U.S. strategic nuclear triad was and continues to be the bedrock of this country's strategic nuclear deterrent and modernization plans. In the wake of the collapse of Soviet communism and the race to weapons disarmament as opposed to weapons procurement, it is most timely for Congress to thoroughly and comprehensively reexamine the air, land, and sea legs of our nuclear forces to determine whether the rationale for a triad is still sound, and practical, and affordable in the post-cold-war world.

Fortunately, there is a major new General Accounting Office [GAO] study of the U.S. strategic triad that provides indepth research, extensive investigatory findings, and careful analysis to inform the public and congressional debate on the triad which should and will take place over the next few years. For the time being this GAO study is classified but it is my expectation that it will be declassified soon in order to allow the Congress and the public to enrich their consideration of this issue which is so fundamental to U.S. national security and defense and so costly to the national budget.

Over 2 years ago, in April 1990, I wrote to the head of GAO, Comptroller General Charles Bowsher, to seek GAO's assistance in addressing a very fundamental question facing the Congress of how to best provide for the security of the United States in the face of the budget deficit and the changing context of East-West relations. As the United States and the Soviet Union reach new agreements on strategic arms reductions, Congress will be making important decisions concerning the size and the quality of the air/land/sea components of our strategic offensive forces structure. Specifically, I requested that the GAO focus on the effectiveness, cost, policy, and arms control implications for each component of the triad and for any likely nuclear modernization upgrades. This work by GAO has now been completed in a several-volume study.

The GAO study of the strategic triad evaluates comprehensively all the major upgrades of the U.S. strategic nuclear triad and the implications for the future of arms control, U.S. defense spending, and the international security environment. GAO makes recommendations relevant to all the major deployed and proposed nuclear weapon systems in the U.S. strategic triad. The GAO report assesses the triad's strengths and weaknesses while examining the assumptions underlying U.S. defense procurement strategy. It looks at the rationale, cost, historic context, and effectiveness of each proposed strategic nuclear system upgrade by setting them in the current arms control context.

The GAO study examines whether, even before the recent upheaval and splintering of the Soviet defense structure, the United States had overestimated the Soviet threat and if the United States triad now requires the same structure, numbers, and alert status. The present period is portrayed in the study as a time when the triad can and should be adjusted, trimmed, and realigned. The GAO estimated that DOD plans for strategic weapons modernization would cost $350 billion during their total life cycle. The GAO study proposed over $100 billion in net savings from changes in all three legs of the U.S. strategic triad. The June 1992 reductions certainly require a thorough re-examination of the U.S. requirements for its strategic nuclear weapons systems resulting in even greater savings. This comprehesive GAO study provides an important baseline from which to make such a reevaluation in cost and security terms.

The GAO study will inform the congressional debate on defense, security, and arms control in the years ahead at several levels.

First, Congress faces and will continue to face large budget requests for continued strategic nuclear weapon modernization. The findings in the GAO study will assist us in finding answers to questions such as: Does the Bush-Yeltsin agreement to reduce respective nuclear arsenals to 3,500 warheads strengthen or weaken the case for the B–2 bomber? Which leg of the triad is the most cost-effective and which leg should be protected in a time of budgetary crunch? Which leg of the triad is the least attractive in the current international security setting and how far can we go in reductions of that leg?

Second, Members of Congress have held a variety of common assumptions regarding defense and arms control which will be challenged by the GAO report not only regarding the future validity and applicability of those assumptions but also regarding whether or not those assumptions were ever valid and applicable in the past. Some of the common assumptions which are challenged by the report include: the "window of ICBM vulnerability"; the need to hedge against the detection vulnerability of submarines; communication weaknesses to strategic submarines; and the strength of Soviet air defenses.

Third, the strategic nuclear triad has been the basis of the U.S. nuclear deterrent since the 1960's and, since then, its existence and rationale have rarely, if ever, been basically challenged. Now, with the Bush-Yeltsin reductions to 3,000–3,500 warheads, it may be time to question the viability and practicality of the triad. It may be time to examine carefully whether or not a dyad might serve us as well as the triad. The GAO study will provide insights into these crucial evaluations of the triad.

Fourth, there are many lesson in the GAO study about how the Congress should be assessing requests for new weapons systems, strategic and conventional. Some of GAO's most significant findings come from simply comparing various weapons systems using some common measures of comparison. The study tells us how older systems compare to newer ones and how weapons in one leg of the triad compare to weapons in another leg. There are some surprising results in these comparisons. The GAO study also gave hard scrutiny to the performance of various weapon systems and compared the factual findings based on operational testing and military exercise data with the promotional assertions of the military/industrial complex.

At this time, the details, findings, and basic data of this GAO study are classified. It is my expectation that the Department of Defense will move quickly in returning to the GAO the security reviews so that the Congress and the public can begin a careful and extensive process of debating the future of our strategic nuclear triad. In the interim, the Committee on Foreign Affairs can arrange a classified briefing by the GAO on this study for any Member of Congress.

With the end of the cold war this GAO study is very timely and will assist the Congress and the public in a thorough and comprehensive assessment of the continued feasibility and practicality of the triad.

A TRIBUTE TO THE LATE DICK SIMS GEHRIG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SKELTON. Mr. Speaker, today I honor the memory of an outstanding Missourian, Dick Gehrig, who passed away recently at the age of 77. He made significant contributions to the State of Missouri and to his country.

Dick Gehrig was born to Richard A. and Pearl Sims Gehrig on January 23, 1915, in Salisbury, MO. He attended public school in Salisbury, and the University of Missouri-Columbia. In 1939, after training at Camp Kalser, Dick was appointed to the Missouri State Highway Patrol.

On June 1, 1940, Dick was married to Letitia E. Mason in Warrensburg, MO. They have one daughter, Dr. Gail Gehrig. She and her husband currently live in Oak Park, IL, with two children.

Dick Gehrig served with distinction in the U.S. Army during World War II, after which he returned to the patrol and to Missouri. During this time, he served as sergeant of the patrol in Lafayette County, where I became well acquainted with him. Dick was promoted in 1966 from troop A to the rank of captain and transferred to Jefferson City, MO, where he served under the commander of troop F. In 1973, he was promoted to major and acted as the district commander at the Missouri State Highway Patrol headquarters. Dick was named lieutenant colonel and assistant superintendent in 1974, in which he performed up until his retirement in 1975.

During his lifetime, Dick also contributed to his local community through being a member of the First Christian Church and the Sunrise Optimist Club of Jefferson City.

Dick Sims Gehrig will be not only missed by his family and many friends, but by his community as well.

STOP CIGARETTE ADVERTISING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. STARK. Mr. Speaker, constituents all across the country are very concerned about the deadly effects of cigarette advertising on the American public, and specifically on our country's impressionable youth. I recently received a letter from a high school student in my district documenting the influence that cigarette advertisements have on his schoolmates. The advertisements, in his opinion, contribute to young people's decision to poison their bodies with cigarette smoke. The letter follows:

I'm writing to you because of a killer. Yes, that is right, cancer. I know that you are doing the best that you can to fight this disease, but I think you should put more effort into preventing cancer than into finding a cure. As is widely known, lung cancer is the leading killer among all cancers and smoking cigarettes is the number one cause of lung cancer. I think that you need to push magazine owners to the point that they will not print cigarette advertisements.

I have conducted my own survey among my high school classmates who spoke about the reasons that they began to smoke. More than fifty percent of them said that they started because they saw somebody in a magazine smoking and enjoying it. If you were able to stop the magazine owners from printing cigarette advertisements I think that you could cut down on the number of lung cancer cases in our country in the long run.

Sincerely Yours,

MICHAEL C. KLEWS,
CVHS sophomore.

Cigarette companies are able to write off their advertising expenses as a tax deductible business expense. Much of the advertising campaigns are aimed at our country's youth and are apparently extremely influential. For this reason H.R. 5499 has been introduced to remove all tax deductions for advertisement and promotion expenditures that encourage the use of tobacco products. The following Congressmen have joined in cosponsoring: BARNEY FRANK, CHESTER ATKINS, JAMES HANSEN, JAMES OBERSTAR, MIKE SYNAR, HENRY WAXMAN, LANE EVANS, MEL LEVINE, HOWARD BERMAN, and PETER DEFAZIO.

TRIBUTE TO SISTER ANNETTE EMBRICH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. COSTELLO. Mr. Speaker, I rise today and ask my colleagues to join me in congratulating Sister Annette Embrich, a member of the Adorers of the Blood of Christ, a native of Centreville, IL. Her provincial house is located in Ruma, IL. On July 1, 1967, Sister Annette accepted her final religious vows. This year marks the 25th anniversary of this momentous occasion.

Sister Annette Embrich is currently working as an elementary school teacher at St. John's School in Tucson, AZ. She has been teaching grades 3–8 since 1988. During her 25 years of service to God, she has dedicated much of her energy to education and social services for the poor and needy.

Because Sister Annette has a distinct interest in Hispanic culture, she has worked closely with the Hispanic community in Fairmont City, IL. Her fellow sisters describe her as a caring and pleasant person who is faithful in her service to the Lord.

I would like for my colleagues to recognize Sister Annette Embrich's dedication and service to the Adorers of the Blood of Christ and join me as I applaud her for her lifelong commitment.

A TRIBUTE TO REV. ALONZO O. GRAHAM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mrs. MORELLA. Mr. Speaker, I wish to congratulate Rev. Alonzo O. Graham, an outstanding constituent of mine from Damascus, MD, who will be honored on Friday, July 31, for his dedicated service to the Pleasant Grove Christian Community Church. Reverend Graham will be retiring after a quarter of a century of service to the church he founded.

Reverend Graham has demonstrated extraordinary leadership qualities for the past 25 years. He has created a community of faith and has inspired his parishioners. As founder and pastor of the Pleasant Grove Church, he has been a moral and spiritual leader in complex times, a guiding light for the congregation. Through his guidance, the congregation has increased and the number of church auxiliaries has multiplied. Sunday school and Bible study groups are well attended because of his exemplary presence. Reverend Graham also is a leading figure in the broader religious community, having founded the United Council of Christian Community Churches for Maryland and vicinity.

He was born 87 years ago, reared in Montgomery County, and he and his wife have raised four lovely daughters there.

I offer my best wishes to Reverend Graham and his family. I thank him for his generous spirit and selfless devotion to the needs of the community.

WOMEN'S ATHLETICS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. OXLEY. Mr. Speaker, last month marked the 20th anniversary of the enactment of title IX of the Education Amendments of 1972. This law prohibits discrimination on the basis of sexual identity in any educational program receiving Federal funds.

In April, the Subcommittee on Commerce, Consumer Protection and Competitiveness examined women's participation in intercollegiate athletics as it relates to title IX. Based on the testimony presented in that hearing, it was obvious that tremendous progress has been made in the last two decades. However, several of the witnesses made it clear to the subcommittee that the job is far from complete.

At the hearing, NCAA executive director Dick Schultz and Phyllis Howlett, assistant commissioner of the Big Ten Conference and chair of the NCAA's Committee on Women's Athletics pledged to the subcommittee that the NCAA would take a leadership role in assuring equal opportunities for all women in college sports. To that end, Mr. Schultz announced the formation of a new Gender Equity Task Force which is cochaired by Ms. Howlett.

The task force's ambitious and laudable charge is "to determine how the association

will define gender equity; to identify any NCAA legislation or practice that would hinder a member in complying with the NCAA, Federal, or State legislation; to recommend remedial legislation (if necessary), and to recommend affirmative action where appropriate."

I have had discussions with the NCAA on this subject, and I am convinced that the task force is highly motivated and will produce a document which we all find essential reading as we focus on the future of women's athletics. I commend Ms. Howlett and the NCAA on this initiative, and I look forward to their findings.

In an article in the June 10 issue of the NCAA News, Ms. Howlett describes the development of women's athletics and the mission of the Gender Equity Task Force. I recommend this article to my colleagues for its insight into what we can expect in the coming months from the NCAA and I ask unanimous consent to insert the editorial in the CONGRESSIONAL RECORD at this point.

[From the NCAA News, June 10, 1992]

SENSITIVITY THE KEY IN FOCUS ON EQUITY

(By Phyllis L. Howlett)

The rich traditions of intercollegiate athletics began with the development of competitive opportunities for male students of higher education. Today, those sports—and the pageantry that surrounds them—have become a part of the American culture in a way that helps weave higher education into the fabric of this country.

The development of women's intercollegiate athletics was remarkably different—more a result of the women's rights movement than an outgrowth of higher education. Women's programs evolved separately and unequally until finally, in 1972, the Federal government delivered the word in the form of Title IX: If athletics competition is a viable mission for higher education, it has equal value for men and women.

After Title IX became law, the face of intercollegiate athletics changed as institutions added programs for women. In many cases, the motivator was fear of the promised Federal sanctions for noncompliance. Whatever the reason, collegiate women began to compete in growing numbers.

At larger institutions where income generated by the athletics enterprise supported the program, it was expected that this new growth of program should be supported in the same manner. To some extent, the expansion was possible to fund because of the growth in television income and because the public was willing to attend events in greater numbers despite higher ticket prices.

Those sources of revenue are less certain now, and after 20 years of Title IX, many of those involved with women's sports believe that progress has stalled, that competitive opportunities have stagnated, that financing is inequitable, that men's programs get better facilities and equipment. Others see it just the opposite: that women's programs are creating a financial drain that could ruin intercollegiate athletics. To say the issue is emotional understates the case.

A year ago, at the request of the Committee on Women's Athletics, the NCAA began a study of the status of women's sports. The study provided an overview of how colleges and universities are dealing with gender equity, and it suggested that a significant disparity may exist between men's and women's programs.

In response to the findings of the survey, Executive Director Richard D. Schultz called for the creation of a gender-equity task force that would examine the problem and identify solutions. James J. Whalen, president of Ithaca College, and I were selected to serve as cochairs. Our first meeting will be July 9 in Dallas.

Our charge is to determine how the Association will define gender equity; to identify any NCAA legislation or practice that would hinder a member in complying with NCAA, Federal or state legislation; to recommend remedial legislation (if necessary), and to recommend affirmative action where appropriate.

To accomplish this, the task force must consider a vast amount of information and deliberate with sensitivity to find the best solutions. We are depending upon the membership to provide recommendations and to express any concerns about what could result from gender-equity legislation.

We fervently hope to achieve our goals in such a manner that equity can be achieved without damaging the long-valued and traditional men's programs.

That is our challenge.

IRA-TYPE SAVINGS THAT WORK: INDIVIDUAL RESPONSIBILITY ACCOUNTS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. VANDER JAGT. Mr. Speaker, recently while holding office hours in our Muskegon district office, I had the truly good fortune to visit with Mr. Glen Kepner, of Muskegon, MI, regarding his thoughts—and a plan—for encouraging individual savings and taking advantage of the private financial markets to provide a broad range of personal financial security and opportunity.

This Congress has recently attempted to grapple with savings incentives and the need for a national economic growth program. I believe that we can all agree that, whenever possible, individuals, not government, ought to provide for their own long-term security.

Parallel with this idea, of course, is that government has an interest in encouraging such individual planning—both because it relieves government of a potential burden and because such planning involves savings and investment which fuel the economic engine of the nation.

As a Member of the House Committee on Ways and Means, I am, of course, supportive of the prudent use of our tax system to provide the appropriate incentives to individuals to engage in personal planning. Glen Kepner has developed a broad ranging approach to the use of a familiar personal savings tool, the Individual Retirement Account, to meet personal growth and financial security objectives.

A clear advantage of Mr. Kepner's plans is that they infuse capital into financial markets at the same time that they provide for personal needs. The merits of shifting a major share of certain health, education, and retirement burdens to the system of tax incentives rather than tax consumption are also clear.

Because of what I believed to be the unique nature of the range of Mr. Kepner's ideas, I asked our minority committee staff to do a brief analysis. As anticipated, it was pointed out that these ideas would lose significant amounts of revenue. However, what was not said, and what would clearly be the case, is that the medical and educational savings incentives, in addition to the unique retirement program, would save government, Federal and local, billions of dollars.

And, in addition to the savings, the programs would permit individuals to control their own destiny. Finally, of course, such an approach would permit the allocation of scarce, and growing scarcer, government resources to those who are truly disadvantaged in programs which could offer true hope for the future.

I recommend to my colleagues' careful review the suggestions and analysis of Glen Kepner which follows. I have included, at the conclusion, the comments of staff which demonstrate both the validity of the concepts and their uniqueness. I look forward to the opportunity to explore these ideas, and to a future opportunity to use them as the basis for a true reform of government's incentives for individual responsibility and for economic growth.

Three things I was never taught:

1. You are responsible for your own financial security.
2. You can do it!
3. Here is how you do it.

To help each individual to take charge and improve his/her financial security, I propose three new types of individual account:

1. IDA—Individual Development Account. This account would be designed to provide funds for the individual's education and development.

2. ISA—Individual Security Account. This account would allow the individual to build personal and family wealth. It would eventually replace the present Social Security system, but would continue to be backed up by a new system that would guarantee that the individual would come out as good as or better than now.

3. IMA—Individual Medical Account. This account would provide a way for the individual to accumulate the funds needed to pay the deductibles and co-payments not covered by insurance, especially those required by the higher-deductible, lower-cost policies. Those who are fortunate enough to not need to spend these funds on medical costs would accumulate individual and family wealth in this account. These accounts could grow to substantial amounts and could pave the way for significantly changing the role of medicare and medicaid.

These three accounts, together with retirement accounts—IRA, 401k, 403b, Keough plans, employer sponsored plans, etc.—will provide the foundation for an individually based cradle-to-grave security system. Government programs will still have to supplement for some, but hopefully not as many as now. This is not a quick fix solution, but will take time. Results and benefits will grow gradually as the individual accounts grow. Full benefits of some of these programs will come in only a few years, others will take 20 or 30 years to develop—but the real benefits will be realized by our next and succeeding generations through the controlled and forced growth of individual and family wealth and through the firmer financial foundation that this makes for our entire country. We are talking billions and trillions of dollars in savings and investments.

IDA—INDIVIDUAL DEVELOPMENT ACCOUNT

Invest up to $2000 @ birth.

@ 6% for 20 years = $6,400.
@ 9% for 20 years = $11,200.
@ 12% for 20 years = $19,300.
@ 15% for 20 years = $32,700.

Invest up to $2000 per year for 20 years.
@ 6% = $74,000.
@ 9% = $102,000.
@ 12% = $144,000.
@ 15% = $205,000.

Contributions to come from gifts, individual earnings.

Contributions not tax-deductible.

Even those on welfare or other assistance would be able to invest in an IDA for each child without affecting their eligibility. (Wouldn't it be great if they would put the cigarette and beer money into an IDA instead to help break the cycle of poverty for their children?)

Adults would, of course, be expected to use their IDA to stay off of or get off of assistance.

Account grows tax-free.

Proceeds are tax-free when used for:

Education. Funds would be paid through Financial Aid department of school.

Volunteer and charitable service. Funds would be paid through church or other organization.

Spouse's or children's education.

If there is sufficient money left in account, up to $20,000 could be used, tax-free, for down payment on home, but this would affect taxable basis of home.

Proceeds could also be available for "emergencies", but only under very limited conditions.

Funds not used for above purposes could be transferred to ISA, IMA, or IRA subject to conditions.

At death: 25% to IRS.

Balance to spouse's, children's relative's IDA.

Much of this can be done now within the IRA program, but it requires an extreme amount of creativity, only a few can "get away with it legally", and proceeds are subject to a 10% penalty and are taxable when withdrawn.

The President's proposal for $25,000 in student loan guarantees would be an excellent transition to this IDA program.

ISA—INDIVIDUAL SECURITY ACCOUNT

Invest 6 percent of gross wages. (Funded from present Social Security contributions, individual and employer.)

Half retained by IRS or SSA in individual interest-bearing account, government securities.

Half could be transferred once/year to an individual, private account.

Encourage individuals to use equity mutual funds for their individual accounts to provide capital investment funds for the growth of the economy and to provide for the possibility/probability of higher investment return. The role of Social Security and of the government would be to insure that the individual would get at least as much as under the present program. The government would, in effect, be guaranteeing the economy. Instead of encouraging individuals to preserve capital, this would encourage them to go for growth, and with this amount of capital being continuously invested, the chances of major recession or depression are greatly reduced.

The balance of the Social Security contributions would be used for the insurance aspects of the program and for transition from the present program.

Money can be drawn out only for retirement or disability.

Retirement would be at age 65, or it could be earlier if and when the individual account reaches an amount sufficient to provide adequate lifetime income. (If you could invest 6 percent of your earnings at a 12 percent rate of return for 25 years, you could live forever from the proceeds—if you could live forever.)

Individual Security Income would be based on the higher of:

Amount determined from present Social Security formula.

Amount determined from account value.

Amount determined from future changes to Individual Security/Social Security programs.

Payments to the individual would come first from the individual account.

If/when the individual account is exhausted, Social Security would take over as insurance to continue payments at the appropriate level.

Income would be partially taxed, as at present or as determined to be appropriate. There would be no "earnings test". It would be your money in the individual account, your money that paid for the insurance part of the program.

At Death:

25 percent to IRS.

Balance to family IDA's and ISA's.

This program requires major legislation and major changes in thinking, but would be a true win-win program!

IMA—INDIVIDUAL MEDICAL ACCOUNT

The individual would choose own health insurance policy—this can be self-paid, employer-paid, government-subsidized, or whatever. (Tax deductible.)

The ideal policy would be a major medical policy with a high deductible, say $3000.

Deposit $2000 per year in IMA, an interest bearing account, managed and administered privately. (Tax deductible.)

Use a "Health Care Card" to pay for care. (Similar to Visa, Mastercard, etc., but prepaid.)

Insurance, government subsidy would also be channeled through health care card.

If costs exceed $2000, individual pays difference up to $3000 level. (Tax deductible.)

Funds not used can be left to accumulate for future needs or used to replace/reduce future premiums and contributions.

These "excess funds" could be invested in equity mutual funds for better growth and for better growth of the economy.

The incentive is for the individual to control and reduce own costs and to find the most cost-effective care and treatment and insurance, because what you save, you keep. For those in good health, the accumulation could be substantial.

No tax on accumulation or on funds used for medical insurance or for medical care.

At Death:

25% to IRS.

Balance to family IMA's.

Most of this could be done now except that the tax deductibility of funds depends on who pays them, and growth of the fund is usually taxable.

IRA—INDIVIDUAL RETIREMENT ACCOUNT

Optional, supplementary retirement account.

IRA, 401k, Keough plans, employer plans, etc.

Plans are good now, no major changes needed.

Allow funds to be transferred to IMA without penalty or taxation.

GLEN W. KEPNER,

June 1, 1992.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 30, 1992.

To: The Honorable Guy Vander Jagt.
From: Paul M. Auster, Assistant Minority Tax Counsel.
Re: Correspondence of Mr. Glen Kepner.

Mr. Kepner's correspondence contains three proposals that are modeled after the current IRA provisions and are intended to assist taxpayers in the following areas—financing educational expenses, providing for their retirement by establishing an alternative to the current Social Security system, and providing financing for their medical expenses. In general, the proposals call for the establishment of an IRA type account to which contributions would be made. Contributions would be deductible only in the case of the medical account. However, earnings in all three accounts would be tax-exempt. After reviewing the applicable materials it would appear as if the tax-free income accumulation and the tax deductible contributions to only one account would, because of the amounts involved, result in a significant revenue loss. Of course, only a revenue estimate from the Treasury or Joint Committee on Taxation could verify this.

It should be noted that each proposal raises significant tax policy and technical tax issues. At this stage of discussion, a review of these issues is premature. However, a brief review of one proposal should be done here. Mr. Kepner proposes three separate accounts—an Individual Development Account, an Individual Security Account and an Individual Medical Account. Of these three, the Individual Security Account appears to be the most unique. More specifically, this account would be used to supplement and replace our current Social Security system. While the other two accounts do address legitimate areas of need—education and medical—the use of IRAs for these purposes has been attempted in numerous proposals. On the other hand, few proposals have attempted to use the IRA to replace the Social Security system. Thus, the ISA represents a new and innovative use of IRA accounts. In this regard you may be aware of the fact that Mr. Thomas has introduced H.R. 5159 which also uses the IRA to supplement and replace our current Social Security system. Thus, Mr. Kepner appears to have developed a proposal that is one of the first to use the IRA in this unique way.

In summary, Mr. Kepner's proposals raise a number of technical and tax policy issues. In addition, it appears as if the proposals would lose significant amounts of revenue. While each of his proposals seeks to provide taxpayers with additional funds to meet various needs, one account, the ISA, represents a new and unique way of using IRAs to allow people to meet the financial needs of their retirement years.

Please contact me if I may be of further assistance.

MYTH VERSUS REALITY ON THE ADMINISTRATION'S CHINA POLICY

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. PEASE. Mr. Speaker, today we will be voting on H.R. 5381, the United States-China Act of 1992. This bill would attach human rights, trade, and weapons nonproliferation conditions to the extension of most-favored-nation [MFN] status to China in 1993.

The administration opposes H.R. 5318, claiming that unconditional renewal of MFN to China has yielded improvements in the PRC's human rights, trade, and weapons policies. There has been a tremendous amount of misinformation disseminated on the degree to which the Chinese Government has demonstrated a good faith effort to better its record in these areas. The following differentiates myth from reality:

MYTH

China has demonstrated substantial progress on human rights policy.

REALITY

Beijing authorities told Secretary Baker last November that they would grant visas to approximately 20 dissidents, but only 2 have been allowed to leave.

Chinese leaders pledged to Secretary Baker that China would cease exporting goods made by prison laborers, yet China was later caught shipping diesel engines made by prisoners. Also, reports indicate that Chinese authorities still refuse to allow United States officials access to prison labor camps for verification of China's adherence to the United States-PRC Memorandum of Understanding [MOU] on export of forced labor products to the United States. This MOU has not been released; its exact contents therefore remain unknown.

PRC officials promised to account for hundreds of political prisoners jailed after the 1989 Tiananmen Square uprising, but instead provided inadequate, often useless information.

PRC officials promised to account for hundreds of political prisoners jailed the 1989 Tiananmen Square uprising, but instead provided inadequate, often useless information.

Chinese police harassed foreign journalists including the Washington Post's Beijing correspondent, Lena H. Sun. Some of Sun's files were sized and her husband and 2-year-old son were held under house arrest during the office search.

Beijing authorities denied visa requests by Senate Intelligence Committee Chairman David L. Boren and Senate Foreign Relations Committee Chairman Claiborne Pell for visits last April. Both Senators have criticized China's human rights, trade, and weapons proliferation policies. On the eve of the third anniversary of the Tiananmen Square massacre, PRC police brutalized peaceful demonstrators and members of the press.

Beijing authorities have arrested 30 or more disssidents since late May as part of a crackdown on an underground organization dedicated to political reform. The arrests, which hit at least five universities or college-level institutes in Beijing, constitute one of the largest roundups of dissidents since the detentions immediately following the June 1989 Tiananmen Square incident.

MYTH

United States-China trade relations have improved.

REALITY

The United States trade deficit with China has increased steadily over the past decade. United States exports to China between 1980 and 1991 increased by 67 percent, while imports from China grew by 1,694 percent. This reflects a rapidly growing trade imbalance that reached $12.7 billion in 1991, compared to $6 billion in 1989 and $10.4 billion in 1990. Between 1990 and 1991, China moved from being the United States' third largest, to its second largest, deficit trading partner after Japan. The United States-China trade imbalance is expected to reach nearly $20 billion in 1992.

The growing United States trade deficit with China is attributed to dumping, currency devaluation, and the exporting of products made through cheap prison labor. Additionally, China continues to violate export quotas by shipping its products through Hong Kong. These products are relabeled and exported to the United States. Such transshipment has cost the United States millions in customs duties.

MYTH

China has shown a commitment to nonproliferation of nuclear weapons and technology.

REALITY

On January 31, 1992, the New York Times reported a Chinese delivery to Syria of 30 tons of chemicals needed to build a solid-fuel missile and the transfer to Pakistan of guidance units to control the flight of the M–11 missile.

On February 22, 1992, the Washington Post reported that the Senate Foreign Relations Committee was informed in a closed briefing of Chinese contracts to sell more than $1 billion in missile and nuclear-related technology to Iran, Syria, Pakistan, and other countries in the Middle East.

On April 3, 1992, the Los Angeles Times reported that Chinese officials were negotiating with Iran for possible delivery of guidance systems that could have been used for ballistic missiles.

On April 22, 1992, the Washington Times reported a Chinese deal with Iran for a fleet of Chinese patrol boats equipped with Styx antiship missiles.

On April 28, 1992, the Washington Post reported that China unloaded small arms at a Libyan port after the April 15 embargo against Libya was imposed by the U.N. Security Council.

On May 21, 1992, China conducted an underground nuclear test of 1,000 kilotons (equivalent to setting off 1 million tons of TNT) for a new intercontinental ballistic missile that is being developed. This blast far exceeded the generally accepted 150-kiloton limit agreed on in 1974 by the United States and the former Soviet Union.

I urge my colleagues to support H.R. 5318. Unconditional extension of MFN has clearly provided us with little to no leverage in dealing with the Chinese Government.

IN MEMORY OF WILLIAM F. FRATCHER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to one of Missouri's most distinguished and dedicated educators, William F. Fratcher, who recently passed away.

Born in Detroit, April 4, 1913, William Fratcher received his bachelor's and master's degrees from Wayne State University. He earned his law degree, master's degree in law and doctor of laws from the University of Michigan, and began practicing law in Detroit in 1936. In 1941 he married Florene Briscoe.

William Fratcher served as a second lieutenant in the first racially integrated unit of the U.S. Army. During WWII, he was a judge advocate in the Army, where he achieved the rank of lieutenant colonel. The positions he held included chief of the branch of the Office of the Judge Advocate General in Washington, DC., chief of the branch office with the European Theater of Operations in Paris, and chief of the legal division in the War Crimes Branch of the U.S. occupation forces in Germany.

In 1947, William Fratcher joined the faculty at the University of Missouri School of Law. Recognized nationally and internationally for his expertise on trust, property and probate law, William Fratcher's contributions to legal education were great. Among them were his annual lecture on the Nazi war crimes trials at Nuremberg, as well as a fourth edition of "The Law of Trusts," a standard reference for attorneys who plan estates. After his retirement in 1983, William Fratcher returned to the University of Missouri to teach legal history part-time.

In recognition of his commitment, William Fratcher was named an R.B. Price Distinguished Professor of Law in 1971. He was honored as a Professor Emeritus on his retirement.

William Fratcher is survived by his wife Florene and his daughter, Agnes Ann Fratcher. He will be missed and long remembered as an outstanding member of the community and legal profession.

RED BUD, IL, CELEBRATES 125TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to bring my colleagues' attention to the city of Red Bud, IL. This year marks the 125th anniversary of this city, which is located in historic Randolph County, the county—where Illinois began—and the county where the State's first capitol was located.

Blossom City, which is the city's nickname, is well kept and clean. The 2,900 residents of the city enjoy an excellent educational system served by quality public and private schools. In fact, the first brick building was a public school, built in 1854. Religion has always filled an important role to the residents of Red Bud and the surrounding community. The area is served by St. John the Baptist Catholic Church, St. John Lutheran Church, First Baptist Church, First Apostolic UPC, Church of Christ, St. Peter United Church of Christ, and Trinity Lutheran Church.

The city of Red Bud has enjoyed a interesting history. The early American settlers established their homes in the prairie region, which became known as Horse Prairie. The reason for this is that bands of wild horses originating from the ponies that roamed earlier French settlements of Cahokia and Kaskaskia, lived

on the prairie grass. The horses were later captured and used on neighboring farms.

In 1820, Preston Brickey built the first log cabin within the current city limits. The first school in Red Bud was established in an abandoned pole cabin in 1824. The first teacher was Samuel Crozier, the father of one of Red Bud's founders. Over the next 40 years, a city quickly developed, constructed largely of brick buildings made from brick and lime kilns and stone quarries located in Red Bud. The city became an important station on the stage coach route between St. Louis, Belleville, Kaskaskia, and Chester.

The three State highways that serve the city of Red Bud meet at its "Square." The railroad that ran through the north side of the city since the 1870's was recently abandoned and the tracks were removed in 1992.

Red Bud has been hit hard by the current recession. The 50-year-old heating and air-conditioning factory, intrinsic to the Red Bud economy, closed down in 1992 and 650 employees lost their jobs. However, a new company, the Material Works, Ltd. has developed from Red Bud Industries, a manufacturer of coil processing equipment, and provides needed jobs and economic security to the city.

The city's hospital, St. Clement, which I have recently visited, has been in existence since 1900. The newest structure is 21 years old and has undergone extensive remodeling during 1992. It and the adjoining MariaCare Nursing Center, are owned by the ASC health system. The hospital is staffed by local physicians and many specialists from the St. Louis metropolitan area.

Today, the business of city government is transacted in the city hall which was built in 1894. It has a council chamber, offices, and a public library. Current city officials take great pride in the historical background of the city they work so hard to represent. Furthermore, the people of Red Bud have shown a strength and determination in the commitment to their city.

I would like for my colleagues to join me in recognizing the city of Red Bud on this momentous occasion of its 125th anniversary celebration

ESTABLISH A CIVILIAN TECHNOLOGY CORPORATION [CTC]

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SANGMEISTER. Mr. Speaker, today I am pleased to introduce an economic package that will help develop cutting edge technologies and reposition America as the world's leading economic superpower

With the cold war and the Gulf war behind us, there is no question that the United States is a military superpower. However, the costs of this achievement have been high and the American people are now suffering through the slowest economic recovery in our history. One need not look at the former Eastern bloc countries and the fall of communism to see that the world has changed. Our own unemployment statistics are proof of that change. Global power is no longer defined by a nation's military might, where America is so strong, it is defined by economic competitiveness, where we are falling behind.

We have all seen statistics that show America losing its economic clout and industrial base to Japan and Germany. Fortunately, these dismal statistics do not tell the whole story; there is still a great deal of good news. America remains, in absolute terms, the world's largest, richest, and most productive economy. We lead the world in basic research. Unfortunately, we often fail to harvest the potential of that research. The fall of communism means we can greatly reduce the Federal budget share dedicated to defense and use this money to increase economic investment and lower the Federal deficit. The United States enters 1993 with a perfect opportunity to bring government, business, and labor together in a concerted effort to regain our position as the world's economic superpower.

We are all familiar with technologies such as the video cassette recorder [VCR], an American invention that became a foreign product. We invented it, but overseas businesses developed VCR's and put them on store shelves worldwide, creating a billion-dollar industry in which no American manufacture competes. This trend continues with other discoveries such as high-definition television [HDTV]. The Japanese and other countries perfect and market American technologies, while we miss out on opportunities for American business and workers. Today, I am introducing legislation to create a civilian technology corporation [CTC] to end this trend and insure that American inventions become American products which provide high-wage jobs for American people. This bill is modeled after the National Academy of Sciences [NAS] proposal to promote the commercialization of high technology products.

The Civilian Technology Corporation will be an independent body, isolated from the political process, that will identify and invest in discoveries, innovations, and page inventions which are too new for American corporations to gamble on, pre-commercial technologies, or have social value that may not be immediately recognizable. In this way, the CTC will insure that product develop stays in American hands. The CTC will not be involved in basic research but rather will help develop new technologies to prepare them for production. Simply stated, American workers will build new technologies and American businesses will profit.

A one-time investment of $5 billion dollars would start the CTC. Its board of directors—comprised of private citizens with technical, business, administrative, and economic expertise would choose promising new technologies to support—not politicians in Washington. The CTC would not give money away, it would enter into partnerships with business and industry consortia to bring new ideas out of the laboratories and into our lives. After the initial investment of Government funds, continued funding for the CTC will come from profits and licensing fees for products and ideas the CTC helps develop.

My second proposal refocuses Federal spending on research and development [R&D]. When President Jimmy Carter left office, almost 60 percent of Federal R&D spending was directed toward civilian programs. President Ronald Reagan's spending page priorities rapidly changed this so that today we spend almost 60 percent of our dollars on defense-related R&D. This trend must be reversed. Keeping America competitive will require developing and manufacturing new consumer products to sell worldwide, not developing new weapons technology to consume more tax dollars. My legislation proposes not only returning the mix of R&D spending to the ratio achieved in the late 1970's but going even further so a full 70 percent of all Federal research and development dollars are directed toward civilian, commercial technologies.

Japan excels in developing and manufacturing products but not in basic research. To eliminate this weakness Japanese businesses are paying American scientists, researchers, and universities to do research for them. NEC Inc., a Japanese electronics firm, has even established the $32 million NEC Research Institute Inc., in Princeton, NJ. Likewise, the United States excels in basic research but not in developing and manufacturing products. The Civilian Technology Corporation will partner with American private industry to insure America can develop new products and keep American technological innovations at home.

The CTC will prepare the United States for the 21st century. In this globally competitive economy the United States can no longer afford to give away its fledgling technologies to foreign competitors. I urge my colleagues to join me in supporting these proposals to restore America's competitive edge and take back our rightful place as the leader in technology development.

NATURALIZATION SPEECH

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SMITH of Texas. Mr. Speaker, below is a copy of a speech that Christel M. Taglieri, a constituent of mine from San Antonio, gave at a naturalization ceremony in Texas.

I believe it summarizes what is good about becoming and being an American citizen.

Sometimes we take for granted how blessed we are to live in this great country. I believe this speech serves as a healthy reminder.

(Speech by Christel M. Taglieri)

On behalf of the Bexar County Republican Women and myself, I want to congratulate you, our new United States Citizens. Judge, I want to thank you for asking me to participate in today's ceremony.

As Chairperson for Americanism and Heritage of the Bexar County Republican Women, I have witnessed on numerous occasions the naturalization ceremonies, never thinking, that I would be standing here, addressing a group of new citizens.

On each occasion, I have heard Judge Pimomo ask the new citizens the same question; "How does it feel, to now be an American Citizens".

In most instances, two or three of our newest citizens would come to the microphone, and with much emotion express their joy and pride, that now they could say, "I am an American".

My first thought on coming here to speak to you was: "What am I going to talk about, what should I say to you". The trials and problems you faced, since arriving in the United States, are behind you. Now you can proudly say, "I am an American, I made it".

You see, I know what this day means to you, because I am a naturalized American Citizen. It seems so long ago, about 38 years, when I raised my right hand and swore allegiance to the flag and this great country, the United States of America.

Even though I spoke the English language fluently, I could not quite understand the American way of doing things. I was a graduate of the Humboldt University in Berlin, Germany, but I thought it best to take some courses at the University of California at the Monterey Branch, to study intensively American History and Government. I had chosen this country, I did not want to "Just get along", "I wanted to belong".

All emigrants had different reasons for coming to the United States, and for some, it was most difficult to leave their families and their native country.

But they had one thing in common, they wanted to live in a country where liberty and justice was guaranteed by a government of the people.

Of all the emigrants who entered this country before you, there were some who found it more difficult to adjust than others. Their great expectations could not be fulfilled very fast, because they did not speak the english language, or maybe they had expected too much too fast. They had to learn that, what this great country had to offer could only be reached through hard work and continued education.

They had to keep faith, because every day, they found new obstacles they needed to overcome and master.

This young country was built by emigrants, emigrants just like you and I, emigrants, who were proud of what they had accomplished. Now it becomes your responsibility to carry on, to keep this great country strong and free.

To you, our newest United States Citizens, I pray, that you will continue to learn the customs and traditions of this beautiful land and its people. Be loyal, devoted and cultivate a strong love for this your chosen country.

Finally, I will leave you with these words. Don't think back, when you feel blue, say to yourself:

I am an American, a free American.
Free to speak without fear,
Free to worship my own God,±
Free to stand for what I think is right.
Free to oppose what I believe is wrong.
Free to choose those who govern my country.

This heritage of freedom I pledge to uphold and defend for myself and all mankind.

HONORING BOB TRAPP

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. RICHARDSON. Mr. Speaker, in this day and age when TV journalists are more interested in their hair than their copy, when radio news has become the latest oxymoron, and when newspapers are more interested in the bottom line rather than the headline, it is certainly refreshing when you come across an individual who runs a newspaper for the good of the people.

Bob Trapp started the Rio Grande Sun 36 years ago giving Española, NM and the surrounding area a paper it never had. He strives to be fair and never buckles under to the pressures of advertisers or politicians. Many of his hard-hitting stories have cost him dearly in lost advertising revenue. He has also taken on some of the area's biggest elected officials.

Mr. Trapp has spent well more than half his life writing, reporting, publishing, and selling his weekly newspaper. His perseverance, dedication, and excellence are being recognized by his peers. I am pleased to report he was recently honored by the International Society of Weekly Newspaper Editors for his work in community journalism in producing the liveliest, hardest-hitting newspaper.

I urge my colleagues to join me in recognizing and congratulating this outstanding journalist for exceptional public service. I am attaching a recent story from the New Mexican in Santa Fe which profiles Mr. Trapp and his paper.

[From the New Mexican, July 12, 1992]

RIO ARRIBA OFFICIALS KEEP FALLING INTO SAME TRAPP

(By Donna Roy)

ESPAÑOLA.—Bob Trapp, editor and publisher of the weekly Rio Grande Sun, has made it his mission to monitor public officials, especially Rio Arriba County political boss Emilio Naranjo, and hold them accountable for their actions.

It has not made him popular, only respected.

Trapp has been accused of being too critical of the Española Valley, where he's lived and raised a family and put out his paper for the past 36 years.

Trapp's detractors say he constantly portrays Española in a negative light, focusing on the bad and never the good.

But this weekend in Colorado Springs, Colo., Trapp was recognized by the International Society of Weekly Newspaper Editors for his work in community journalism in producing "the liveliest, hardest-hitting" newspaper.

Robert Estabrook, editor and publisher emeritus of the Lakeville (Conn.) Journal, said Trapp was selected for "standing up against pressures of politicians and advertisers to pull his punches."

"Trapp has consistently put his principles before his newspaper's profits," Estabrook said.

Former Santa Fe Reporter editor Richard McCord, who nominated Trapp for the award, said the Rio Grande Sun has been a demonstration of the vigilance the press must have to ensure good government.

Trapp, a silver-haired, 60-something man who chuckles when you ask him his age, said in an interview in his cluttered office that his objectives when he started the Rio Grande Sun in 1956 remain in place today; to be fair and to put out the best newspaper possible, free from interference from local advertisers and politicians.

"I've always believed it's the newspaper's duty to point out things and tell the readers what's going on, and then it's up to them to do something about it," Trapp said.

"If you knuckle under to advertisers, you're going to be putting out a business brochure rather than a newspaper," he said.

Trapp became interested in newspapers at an early age and published his first newspaper when he was in the seventh grade in La Jara, Colo.

"It was handwritten. I would send my brother around the neighborhood selling it for a nickel. One time, he came home madder than heck. This one guy took the paper, read both sides of it and said he wasn't interested," he recalled.

Trapp's first newspaper job was in 1950 at the Alamosa (Colo.) Daily Courier as a sports editor, for $10 a week. After that he went to work for a five-day daily newspaper in North Carolina as a city reporter.

He next joined a newspaper in Rock Springs, Wyo., where he met his wife, Ruth. The newspaper did not encourage hard news coverage, but Trapp managed to slip in a few stories to "raise hell." A couple years later the Trapps moved to Great Falls, Mont., where they met Bill Burkett and his wife, Holly.

Eventually, they would hear about the Espanola Valley. They arranged a vacation to Espanola and talked to some of the businessmen to see if they were willing to put up money to start a newspaper.

The Trapps and Burketts each put up $7,600 of their own money to match the businessmen's investments.

Five thousand copies of a broadsheet paper were printed to mark the Rio Grande Sun's debut in October 1956. The 16-page paper soon was cut back to eight pages for the first few years of its existence.

The paper was sold on the street for 7 cents a copy. Trapp paid local children 2 cents for every paper they sold. Today, children and adults line up outside the Rio Grande Sun office on North Railroad Avenue every Wednesday to pick up their bundles of newspapers. The price has increased to 30 cents and the sellers may keep 12 cents plus any tips they make.

"It never occurred to us when we started selling it on the street that it would become what it is today. For some families, it's big business. Some of them make $100," Trapp said.

More than half of the 10,800 papers printed each week are sold on the street Wednesday evenings.

The first newspaper office was located on Onate Street. The building has been torn down and replaced with a parking lot.

In the beginning, Bob and Ruth Trapp handled all of the reporting and photography. The Rio Grande Sun was typeset on a linotype and printed on a letterpress—ancient machines by today's standards.

Trapp hired his first reporter in the late 1960s. He now has a staff of three or four reporters to cover the Espanola area and another to cover Chama.

"We felt that that area, so close to the county seat, was being neglected," Trapp said.

The first 10 years of the paper's existence were lean ones for the Trapps. "We cut our salaries back from $100 to $85 a week so our help's checks wouldn't bounce. Probably, a smarter person would have closed (the paper) down, but I was too stupid," he said with a chuckle.

Espanola began to grow as a city. More businesses were moving into town and advertising and the newspaper began to pick up, he said.

One of the first events covered in the Rio Grande Sun was the expansion of Riverside Drive from two lanes to four. At that time, the area was not part of the city.

Another was an unsuccessful attempt by local businessmen to move the Rio Arriba County seat from Tierra Amarilla to Espanola.

Years later, Trapp would cover the now famous Tierra Amarilla raid. "Rio Arriba County is the only place where you can shoot a state police officer, shoot up the courthouse and not go to jail," he said.

When Trapp first started the newspaper, Emilio Naranjo was not the political powerhouse he is today because the Republicans were largely in control.

Naranjo worked for the state Motor Vehicle Department and sold insurance. He didn't run for office until he was appointed to replace Matias Chacon as county Democratic chairman.

As a reporter, Trapp had many encounters with Naranjo, whom he playfully calls "Our Leader" in his editorials. He remembers Democratic county conventions where Naranjo would introduce him to the crowd as his cuate or pal.

"We've been on opposite sides since I saw what was going on," said Trapp. "Among other things, there were county commissioners paying themselves $800 a month in per diem to inspect county roads. These were people that were holding down full-time jobs. We put a stop to that, but it was that type of thing," Trapp said.

"A lot of money was being wasted. Roads weren't being fixed if the precincts in that area didn't vote the right way," he said.

Jim Danneskiold, a former Rio Grande Sun reporter and editor now working at Los Alamos National Laboratory in public affairs, described Trapp as tough-minded and fair and an old-fashioned, 19th century-type journalist.

"He religiously holds to the maxim that a newspaper's duty is to print the truth and raise hell. He believes in the role of the newspaper as the eyes and ears of the public. It's a crucial independent member of the community," Danneskiold said.

Santa Fe lawyer Carlos Vigil, who was raised in Espanola and still lives there, sees Trapp in a different light. As a journalist, Trapp has been courageous, Vigil said, but he needs to present more positive stories about Espanola.

"He's taken on some big people and I think that's important," Vigil said. "I just wish he was a lot more positive and give credit where credit is due. We've had a lot of kids that do really well and there's little or no mention of those things."

Danneskiold said that while Trapp does focus on crime and corruption, he also does little things that serve the community. He sponsors students to local spelling bees, publishes photos of students who have excelled and even First Baby of the Year photos.

"He gives people a window, not just to politics and corruption, but to the human side of the community," said Daneskiold.

Trapp has enjoyed the challenge of covering news in Rio Arriba County. "Some people say they buy the paper to read the gossip, others like it for its political stand," he said. "We might be perceived as controversial, but I'd rather be controversial than bland."

INTRODUCTION OF LEGISLATION ALLOWING TAX-FREE, NEED-BASED SCHOLARSHIPS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to allow individuals to receive need-based scholarships free from income tax. At a time when everyone agrees that America needs a more educated work force, the importance of this legislation cannot be overstated.

This problem came to my attention when I received a letter from a constituent in Whitman, MA. Her children deliver the Boston Globe; the Globe awards $5,000 scholarships to prospective college students who deliver the newspaper.

The problem is that these scholarships are taxable to the students who receive them. As my constituent accurately pointed out in her letter: "Since the $5,000 will go directly to the universities, we will have a substantial tax liability for 1992 and will not have the cash available to pay it."

Mr. Speaker, the Boston Globe's program is a noble effort to encourage students to work hard and attend college. It is fundamentally wrong for the government to tax hard-working students who want to earn money to go to college, and it's wrong to tax their parents who have to scrimp and save to put money aside for their children to go to college. My legislation will provide a small measure of relief to the middle class.

I urge the Committee on Ways and Means to act quickly to pass this legislation. A technical description of my legislation follows:

TECHNICAL DESCRIPTION OF LEGISLATION ALLOWING TAX-FREE TREATMENT OF NEED-BASED SCHOLARSHIPS

Present law

Section 117 of the Internal Revenue Code excludes from gross income any qualified scholarship received by a student who is a candidate for a degree at an educational organization. Amounts received as scholarship must be used for tuition and related expenses.

The exclusion does not apply if the amount received represent payments for teaching, research, or other services by the student as a condition of receiving the qualified scholarship. Treasury regulations interpreting this provision state that scholarships represent payment for services "when the grantor requires the recipient to perform services in return for the granting of the scholarship" (Treas. Regs. 1.117-6(d)(2)). Thus, if an employer requires an employee to perform employment-type services as a condition of receiving the scholarship, the scholarship is not excludable from income.

Explanation of proposal

Under the bill, scholarships received which represent payments for services provided for the grantor by the grantee of a scholarship would be excludable from gross income under section 117 if (1) the amount of the scholarship does not exceed $5,000 in any calendar year and (2) the adjusted gross income of the recipient is less than $50,000 for the taxable year.

Effective date

The provision would be effective for taxable years beginning after December 31, 1992.

CAPTIVE NATIONS WEEK 1992

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. MICHEL. Mr. Speaker, I am honored to be able to join with our colleagues in commemorating Captive Nations Week.

Since President Eisenhower first proclaimed such an event in 1959, I have been an enthusiastic supporter of and participant in Captive Nations Week. During the height of the cold war, it was always a good thing to be reminded, at least once a year, of what was at stake in our battle with communism. Captive Nations Week provided us with a chance to publicly state our beliefs about the suffering of so many millions of people who were enslaved by various forms of communism

Now that the cold war is over, such a commemoration may seem to be an anachronism. After all, the Soviet Union no longer exists. The former captive nations of Eastern Europe are free. The West, in the great twilight struggle, emerged victorious. Why should we continue to participate in such an event?

For one thing, there are still well over a billion human beings still enslaved by communism, in China and Cuba and North Korea. We should not forget their suffering. And, at the same time, we should use this occasion to offer thanksgiving for what has happened over the past 4 or 5 years. In a series of events unparalleled in history, a totalitarian superpower crumbled before the forces of freedom in what amounted to a near bloodless uprising, the nations it has so long ruled—and nearly ruined—had regained their independence and freedom, the Berlin Wall fell, and for the first time in two generations, the people of Eastern Europe could truthfully say they were no longer captive.

This is, as I said, one of the great, triumphant moments in history. And yet, in that curious way that so often characterizes our modern world, in which the collective attention span is not very long, this magnificent accomplishment is taken for granted by many Americans. There is an ho-hum attitude, as if the end of the Soviet Union and freedom for Eastern Europe were preordained and, as they say, inevitable.

But these great events didn't just happen. They were caused because the people of the West sacrificed, because the United States of America provided leadership, because at very turn the imperial appetites of the Soviet Union were either thwarted or at least contained over two generations. Had we not acted with fortitude and courage and patience, the Soviet Union could well have succeeded in its quest for domination.

And so, when we commemorate Captive Nations Week, 1992, we do more than remind the Nation—and ourselves—that there are human beings still enslaved by communism. We also formally congratulate the American people for the great achievement of having defeated Soviet communism, one of the great accomplishments in the entire history of human freedom. It was not an easy victory and it was a costly one, in terms of lives lost and money spent. But can anyone deny that

the sacrifices were needed? Can anyone deny that given the nature of the Soviet Union and its militant totalitarian Marxist-Leninist philosophy, the very survival of the West was at stake throughout the struggle?

I am proud to join with our colleagues in commemorating Captive Nations Week, and I urge all Americans just to take some time this week to think of what has happened—and of what could have happened had not the people of the United States had the backbone and the will to stand up for human freedom. I only wish so many of us wouldn't take all of this for granted.

GOVERNOR CLINTON'S ECONOMIC PROGRAM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GRADISON. Mr. Speaker, since their nomination in New York at the Democratic National Convention, Governor Clinton and Senator GORE have leveled a good deal of economic criticism at the Bush administration. For all the flowing rhetoric and oratorical grace heard by the country during the convention last week, we know that elections are not decided merely on the basis of one candidate's speech. After New York, the American people must ask themselves whether Governor Clinton would improve the performance of the economy and whether he would reduce the Federal budget deficit.

From an analysis of the Clinton economic program, the answers appear to be "no" to the former, and "not much" to the latter. Reprinted following my remarks is an essay written by Beryl Sprinkel, former Under Secretary of the Treasury and chairman of the Council of Economic Advisers, in the July 15, 1992, edition of the Christian Science Monitor. In his essay, Dr. Sprinkel examines carefully the latest in a series of Clinton plans to improve the economy. He concludes that the package is little more than a call to arms in defense of bigger Government and higher taxes. In my judgment, the Clinton plan would only result in economic stagnation and produce another recession.

[From the Christian Science Monitor, July 15, 1992]

CLINTONOMICS: A LOSER

(By Beryl W. Sprinkel)

Gov. Bill Clinton has revised substantially his economic-policy plan, dropping out about half of his middle-class tax cut and projecting a decline in the fiscal deficit to $141 billion by '96, only $40 billion less than presently projected by the Congressional Budget Office under current law. Projected spending and tax changes reduce the deficit only $15 billion over the next four years, and increased growth apparently accounts for the remaining $127 billion deficit cut.

So a critical question is: Will the revised plan spur growth? The answer is, certainly not, since the plan will in fact reduce incentives and deter growth.

In essence, the new plan includes higher tax rates, higher federal spending, a substantial increase in mandated benefits to be paid by employers, increased regulation of the health-care industry, and support for a thinly veiled industrial policy designed to pick winners and shun losers. I conclude the governor's plan will discourage growth since markets respond to disincentives as well as incentives.

The only evident stimulant to growth includes a "targeted investment credit" and a "50 percent tax exclusion to those who take risk by making long-term investments in new businesses." In both cases,the modifiers suggest selective rather than general application of the stimulants.

Mr. Clinton proposes creating a new, fourth income tax rate of 35 percent or 36 percent, sharply above the present top rate of 31 percent. He proposes a populist "millionaires surtax" and an unspecified increase in the alternative minimum tax, higher taxes on Social Security benefits, and higher Medicare taxes. The tax increases are justified by Clinton as "making the wealthiest Americans pay their fair share in taxes."

That specious justification ignores the fact that from 1981-88, the share of federal individual income taxes paid by the top 1 percent rose from 17.9 percent in '81 to 27.6 in '88, and the share paid by the top 5 percent rose from 35.1 percent to 45.5 percent while the share paid by middle and lower income groups declined.

He also ignores the results of two recent studies by the United States Treasury and the Urban Institute which refute his contention that the rich have become richer and the poor have become poorer. Clearly the proposed tax increases will adversely affect private savings and investments, encourage tax avoidance, and discourage risk-taking by those subjected to higher rates.

Clinton also proposes increased taxes on American companies that invest abroad and foreign companies that invest here. Those taxes would discourage international investment and would be especially damaging to the U.S. since domestic savings are lower than domestic investment, thereby increasing our dependence on investment flows from abroad. Thus there would be less growth in productivity and real wages, thereby lowering the living standards of U.S. workers.

Rather than concentrating on increasing private savings and investment as a sure-fire stimulant to growth, Clinton focuses on massive increases in federal spending while ignoring the fact that presently federal spending as a percent of gross domestic product is at a high of about 25 percent. He calls for $200 billion in new federal spending on infrastructure and public works, a huge new national police force, $22 billion in new Head Start spending, $40 billion for higher education, and $4.9 billion in adult literacy programs. There are few substantial cuts other than defense.

Sharply higher federal spending not only pulls resources from the productive private sector, but also assures that high taxes are here to stay. High taxes and more government discourages growth by retarding private savings and investment.

Not too surprisingly, Clinton was unable to resist the trend evident in this period of large deficits to increase mandated employer benefits, thereby increasing production costs and discouraging private-sector jobs while making U.S. producers less competitive.

He would "require every employer to spend 1.5 percent of payroll for continuing education and training and make them provide training to all workers, not just executives." The governor would sign into law the Family and Medical Leave Act which provides for 12 weeks of unpaid leave for a newborn baby or sick family member. Finally, he would provide "guaranteed universal access—through employer or public programs—to basic medical coverage."

Clinton does not use the phrase "industrial policy," but he does propose creating "a civilian research and development agency to bring together business and universities to develop cutting-edge products and technologies." The lure of potential profits aided by tax benefits now provide incentives for productive R&D expenditures, but he clearly envisages an expanded role for government.

Although he espouses freer trade, an important generator of growth, he proposes to pass "a stronger, sharper Super 301 trade bill" which would inevitably increase the probability of retaliatory trade action by our trading partners.

In conclusion, I find it difficult to believe that Clinton is serious when he writes, "I believe in free enterprise and the power of market forces. I know economic growth will be the best jobs program we'll every have." He then proceeds to espouse a program that would inhibit private-sector growth.

It is ironic that as most countries around the world have concluded that large governments inhibit prosperity, Clinton believes that a larger government and higher taxes are the keys to more jobs and higher incomes at home.

SALUTE TO THE NAVARRO FAMILY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a family that truly reflects what family values are all about in our great Nation, the Navarros of Port Hueneme, CA.

Phillip and Mary Navarro and their four children were recently included in the 10 regional winners in the National Hispanic American Family of the Year competition. This honor was based on the steps they have taken to advance Hispanic-Americans, including family unity, teamwork, cultural pride, and community service.

Phillip Navarro is a community outreach worker with the Ventura County Commission on Human Concerns, and as such he works countless hours—many on his own time—to ensure that low-income residents of Ventura County receive the benefits they are entitled to. But that's just for starters.

Mary Navarro volunteers her time to seek out the poor and homeless in order to help them find assistance. And both Phillip and Mary have worked hard to instill their values in their children. Their son, Jerry, speaks at anti-drug rallies and Jerry, his sister, Diana, and Phillip together perform musically at two Catholic churches. Phillip and Mary's other two children, Mark and Elizabeth, accompany their father several days a week while he delivers day-old bread donated by an Oxnard bakery to families in need.

The Navarros received their values from their parents, and are trying their best to pass those values along. As Phillip Navarro told the Ventura Star-Free Press:

In our house, it was always the normal thing to give rather than receive. And

whether you believe in scripture or not, it is true that if you give enough you wind up getting without even asking. Here, we're trying to plant that positive seed.

Mr. Speaker, today more than ever, America needs families like the Navarros, and the values they represent. I ask my colleagues to join me in saluting them for their selflessness and their generosity, and for the honor they have so deservedly earned.

TRIBUTE TO SISTER JANET SMITH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. COSTELLO. Mr. Speaker, I rise today and ask my colleagues to join me in congratulating Sister Janet Smith, a member of the Adorers of the Blood of Christ. Their provincial house is located in Ruma, IL. On July 1, 1967, Sister Janet accepted her final religious vows. This year marks the 25th anniversary of this momentous occasion.

Sister Janet Smith is currently the nursing supervisor of home care in Tucson, AZ. She has been serving her retired sisters there since March 1990. During her 25 years of service to God, she has worked closely with the Hospice Program in East St. Louis and has also spent 2 years in an established clinic in Liberia.

Sister Janet is an accomplished pianist and flutist and finds hours of joy from her love of music. Her fellow sisters describe her as a fun loving person who fully enjoys life. She is also very serious about her work as a nurse and her service to the Lord.

I would like for my colleagues to recognize Sister Janet Smith's dedication and service to the Adorers of the Blood of Christ and join me as I applaud her for her lifelong commitment.

PROCLAIMING AMERICAN UNITY MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. FASCELL. Mr. Speaker, in light of riots that have recently taken place in major cities such as Los Angeles and New York, and remembering past strife in my own city of Miami, some kind-hearted determined citizens have banded together to work to attempt to lessen the pain, the misunderstandings, and the misconceptions that are present in our society. One of these groups, Miami Loving Miami, was founded in November 1990 by Walter Sutton, Jr., a former police officer. This multiethnic grassroots unity organization strives every day to offer platforms for the diverse community of Miami to interact positively.

I feel strongly that the only way a truly harmonious, color-blind, prejudice-free Nation will exist is if all people, in all parts of our vast country work together to understand and celebrate the beautiful differences and splendid uniqueness of all of the residents of the United States, who represent virtually every race, religion, and culture present on this Earth.

Therefore, July, our Nation's birthday, as well as the birthday of the city of Miami, is a proper month to celebrate as "American Unity Month", to encourage all Americans to revel in the similarities, and more importantly, to fully appreciate, understand, and respect the differences among themselves and their neighbors, their peers, and their fellow countrymen.

Accordingly, I respectfully request all our colleagues to join in proclaiming the month of July as "American Unity Month."

TRIBUTE TO LOUIS G. SARRIS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mrs. MORELLA. Mr. Speaker, I am very pleased to rise today to honor a constituent, Mr. Louis G. Sarris of Bethesda, MD, whose career demonstrates an exemplary record of commitment to our Nation through his many years of civil service.

Mr. Sarris is a decorated veteran of the United States armed forces for individual actions behind enemy lines near the close of World War II. Soon after serving in our military, Mr. Sarris worked for Congress on the staff of Senator Matthew Neely while completing doctorate work in Middle Eastern studies.

After joining the State Department in 1951, Mr. Sarris continued to serve the community at large through numerous works in addition to his full-time position. He lectured at the council on Foreign Relations, the Sino-Soviet Institute, and the National War College, and served on the faculties of the University of Maryland and Montgomery College. In addition to being published in numerous journals, Mr. Sarris was a contributing author of "Arms and the Africans: Military Influences on Africa's International Relations."

It is with great pleasure that I pay tribute to the contributions which Mr. Sarris has made to our Nation. On behalf of the citizens of the Eighth Congressional District of Maryland, I offer my sincere gratitude and best wishes in all his future endeavors.

OPEN LETTER TO INTERNATIONAL ELECTION OBSERVERS OF THE CROATIAN ELECTIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. TRAFICANT. Mr. Speaker, I am submitting for this Congress' consideration the following open letter from the opposition parties in Croatia regarding international observation of the August 2, 1992, elections in Croatia.

OPEN LETTER TO INTERNATIONAL ELECTION OBSERVERS

On August 2, 1992, presidential and parliamentary elections will be held in Croatia. There are many signs which show that, in mildest terms, these elections will be irregular. The following are some examples:

that the Republic of Croatia is at war, attacked by aggressor Serbia;

that 40% of the Republic's territory is occupied, making these elections incomplete;

that there are some 800 refugees, i.e. people no longer located in their places of residency, many of whom are not registered to vote anywhere, nor know where to vote;

that no lists of registered voters exists meaning that no one knows how large the voting public is;

that a significant number of its citizens are on the frontlines of the Republic—citizens who cannot leave the front to vote—nor are they soldiers in barracks who might possibly vote there;

that elections are being held in summertime—when in peace it is a season of greater migration due to holidays, leave and vacations—let alone now during a time of war when this is magnified many times over;

that the ruling regime is not allowing radio stations to follow the election campaign at all which has been affirmed by an official circular sent to all city radio affiliate stations by management;

that the ruling regime is abusing minors by using them in its propaganda so as to maintain political control (for example, the Croatian t.v. show "Dobro mi dosel prijatelj");

and a long list of other signs which shall be provided at a later date.

Therefore, by way of this letter, we ask that you send to Croatia observers of your institutions and organizations in as many numbers as possible and that you assist in other ways, so that the aforementioned elections take place without abuse or with as little abuse of same as possible. The citizens and people of the Republic of Croatia will know how to value your support by establishing democracy in this part of Europe which has always been an integral part of the West.

Zagreb, July 8, 1992.

Respectfully yours,

MARKO VESELICA,
President,
Croatian Democratic Party.

JADRAN VILOVIC,
Secretary,
Socialist Party of Croatia.

DOBROSLAV PARAGA,
President,
Croatian Party of Rights.

IVAN CESAR,
President,
Croatian Christian Democratic Party.

TRIBUTE TO BRIAN MICHAEL KATULIS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Brian Michael Katulis, of Harrisburg, PA, who has been chosen to receive a 1992 Public Service Scholarship presented by the Public Employees Roundtable. Brian is one of only ten students from across the Nation to receive this prestigious scholarship.

Brian is an outstanding student at Villanova University in Philadelphia, PA, where he is studying political science, Arabic, and business administration. In his essay "Why I Have Chosen a Public Service Career," Brian demonstrates admirably why he is so deserving of

this public service scholarship. A dedication to public service at such a young age is commendable and inspiring to others.

Mr. Speaker, I insert Brian's essay with these remarks so all may see a glimpse of what is good about America:

ESSAY BY BRIAN MICHAEL KATULIS

Since my sophomore year in high school, I have spent much of my time serving others. As the president of my graduating class, I led my classmates in efforts which benefited others. For example, when the son of a teacher was afflicted with cancer, our class began a program to raise funds in order to help the family's financial situation. Upon my arrival at Villanova University, I committed myself to helping others. I believed that since I was fortunate enough to have the opportunity to attend a university, I had the obligation to serve others in some way. I became involved with Project Sunshine, a social action program at Villanova University. In this program, I tutored elementary level school children and visited the elderly in a county home for the aging. Project Sunshine helped me see the world through the eyes of both the young and old. Also, I participated in Villanova's Committee for the Homeless. On several Sunday evenings I went into Philadelphia to distribute food and talk with homeless people. The conversations that I had with these people were enlightening, for they taught me that their misfortunes can happen to anyone. While being personally fulfilling, my experiences in high school and college have led me toward the path of public service.

I believe that a career in public service will be an exciting career to have in the coming decades. With the recent changes in the world, government must reorganize to meet the changing needs of our country. The challenge that will come with changing the structure of government will be great, and I would like to pay an important role in helping to ensure that the federal government still effectively serves the people of the United States. I would like my career to be more than merely a means of making a living, for I want to make a significant contribution to a society that has helped me achieve the goals that I have set for myself. Without the financial assistance provided by the government and private foundations, I would not have had the educational opportunities that shaped and influenced my life. Without the service of others in the military during times of war, I might not have the same freedoms and rights that I now possess. Because of the service of others, I live in the best country in the world, the country which offers the most opportunities. I would consider it an honor to serve the public in my career.

Also, I have chosen a public service career because I want to help change the perceptions that many Americans have about their own government. I grew up in an age where public officials are ridiculed and no longer admired due to the lack of integrity on the part of a small minority of public officials. In my career, I want to help restore the faith that people once had in their government through leading by example and encouraging stricter penalties for those who abuse their public office. Serving others is a privilege as well as an honor, and rectitude and honesty are two requisite qualities for people in public service to possess.

Finally, I have chosen a public service career because I believe that it is the most personally rewarding career that I can choose. The pride that comes from knowing that I work for the largest organization in the world and that I am serving others outweighs any financial rewards that might come from working in private industry. My idea of a successful life is one in which a person makes a contribution that changes the world for the better in some way. I believe that choosing a public service career is the best way for me to help make the future brighter for our world.

TRIBUTE TO LT. ELAINE M. HOGG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. McEWEN. Mr. Speaker, Lt. Elaine M. Hogg, U.S. Navy, has completed her tour of duty as liaison officer at the Department of the Navy's Congressional Liaison Office, U.S. House of Representatives. I would like to take this opportunity to recognize her superlative accomplishments.

Hailing from Long Island, NY, Elaine was selected for this sensitive position based on her exemplary record as a naval aviator. As a CH–46 Sea Knight helicopter pilot, serving aboard the U.S.S. *Butte,* U.S.S. *Concord,* U.S.S. *Mount Baker,* U.S.S. *Saturn,* she transferred by vertical replenishment literally thousands of tons of critical supplies to deployed ships. She never lost her calm even while transferring pallets of supplies to ships navigating in rough seas during the night.

During her tenure as liaison officer, she proved to be instrumental in planning and flawlessly executing numerous congressional delegations which observed naval operations around the world. Elaine has been a vital link in maintaining the flow of information between the Navy and Congress. She promptly resolved thousands of sensitive congressional inquiries. Elaine could always be counted on no matter how complex the task.

Elaine is respected for both her knowledge and honesty by my colleagues on both sides of the aisle. I know that they, as well as I, wish her "fair winds and following seas".

TRIBUTE TO THE REVEREND L. MARING SWART

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. HOUGHTON. Mr. Speaker, this month marks the 55th anniversary of the ordination of Rev. L. Maring Swart, a constituent of mine. During his service he was active in the USO during World War II and subsequently served as the chaplain for the Jamestown, NY, Police Department. For the past 7 years he has been the pastor of the Ellington Congregational Church in Ellington, NY.

Winston Churchill once said, "We make a living by what we get, but we make a life by what we give." Reverend Swart's life has been rich in giving.

I am honored to take this opportunity just to thank Father Swart for his commitment and his tireless work for this community and its Christians.

TRIBUTE TO SWAINE CHEN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Swaine Chen, a high school student in my district who has been chosen to represent our country in the 24th International Chemistry Olympiad. Swaine, along with four other U.S. students and over 120 students from other countries, will travel next week to Pittsburgh and Washington, DC, for these ceremonies sponsored by the American Chemical Society.

This event is being held to recognize the achievement of outstanding chemistry students throughout the world and to continue stimulating the interest of these students in the area of chemistry. I am pleased that such an event is being sponsored.

As our society becomes more technologically advanced, the need for those trained in the sciences will be critical to our national growth. There are many accredited chemistry programs at both the undergraduate and graduate level in the United States for students wishing to further their education in this area. Advanced education in chemistry can lead to a career in medicine, scientific research, engineering or education—each of these important job fields.

I recognize Swaine's achievement in chemistry, and I ask my colleagues to join me in saluting Swaine for this outstanding achievement.

SALUTE TO MSRC

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to inform the House of the recent dedication of the Marine Spill Response Corp. [MSRC] in Port Hueneme, CA.

As many of my colleagues know, the MSRC facilities in Port Hueneme and other parts of the country are designed to respond quickly to contain and clean up major oilspills along our coasts. I am especially pleased that the Port Hueneme center is the first of the five facilities which ultimately are designed to handle such catastrophic spills as the one caused by the *Exxon Valdez* accident three years ago.

The MSRC was organized in August 1990 to provide new capability for response to catastrophic oilspills in U.S. coastal and tidal waters. This new capability will help owners and operators of oil tankers, offshore platforms, and onshore terminals meet the requirements for response capability that were included in the Oil Pollution Act of 1990.

The Port Hueneme center, which was dedicated earlier this month, will respond to incidents in California and Hawaii, and will be the largest single private source of oilspill response equipment in California. Once fully operational next year, the facility will be able to respond with vessels, barges, oil contain-

ment booms, and skimmers. In addition, the center will serve as a spill response communications and command post in the event of a spill, and also as a site for research and development activities.

Mr. Speaker, I ask my colleagues to join me in saluting the dedication of the Marine Spill Response Corp.'s Port Hueneme center. We all hope that the center's skills are never needed, but it is reassuring to know that the center is there and ready to help in the event of an emergency.

REAUTHORIZATION OF THE COMPETITIVENESS POLICY COUNCIL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to reauthorize the Competitiveness Policy Council for 4 more years. The Council is a small investment, which, I believe, is a crucial first step toward a much-needed competitiveness policy in this country.

I first introduced the bill to create such a Council in May of 1985, and it was enacted as part of the 1988 Trade Act. Earlier this year, the Council issued its first annual report, which received widespread attention in policy circles, and in the press, with its call for the United States to adopt a serious national competitiveness strategy—a new set of policies that will make a fundamental change in America's competitive position.

I cannot overemphasize the importance of the Council as an element of competitiveness policy. Over the past few years, a consensus has emerged in this country, in both the public and private sectors and in academia, that we need a competitiveness strategy. We need a competitiveness strategy because we are rapidly losing ground in international markets to those countries which have competitiveness strategies, such as Japan and Germany.

The Competitiveness Policy Council is the only mechanism that our Government has—the only mechanism—to bring together groups from industry, labor, Government, and academia to study ways to improve American competitiveness. Furthermore, it is the only mechanism that exists to take a systematic, Governmentwide approach to identifying profitable areas for Government-industry partnerships. There are Defense Department programs and National Science Foundation programs and Commerce Department programs to foster such collaboration within their areas of operation, but no Governmentwide approach currently exists. This is the purpose of this Council.

I think it is important to recognize that Government-industry collaboration is not a completely new and untested idea in this country. The truth is that we have had such partnerships for many decades now, some of which have been crucial in the development of key industries. For instance, the Federal and State governments have funded between one-half and three-quarters of all agricultural research and development [R&D] over the past 50 years, during which time productivity has grown faster in agriculture than in any other broadly-defined sector of the economy. Before the early 1950's the Government funded all significant aspects of computer research and development and thereby laid the foundation for emergence of the computer industry.

Similarly, two of the most important advances in the semiconductor industry—the silicon transistor and the integrated circuit—were developed by private industry with the Government envisioned as the first large customer. In the aircraft industry, the military financed development of the first U.S. jet engine as well as R&D which led to fundamental advances in propulsion and airframe design.

Mr. Speaker, I think the historical record is quite clear—Government-industry partnerships can play a central role in fostering technological advance and improving American competitiveness. This country needs a mechanism for identifying profitable areas for such partnerships. The Competitiveness Policy Council can fill that role.

To provide some idea of the careful and thoughtful work that the Council has undertaken, I wish to submit for the RECORD an excerpt from the Council's first annual report:

FRAMEWORK FOR ACTION

As the Council submits this report in early 1992, concerns over fundamental aspects of the nation's competitiveness fuse with the need for the earliest possible recovery from recession. The positive aspect of this fusion is that the difficulties of the present reinforce awareness of our more basic problems. The risk is that efforts to boost growth in the short term could ignore and even exacerbate the basic difficulties.

The Council believes that the right strategy at present is to devise a program to address the underlying weaknesses in the economy in ways that could also promote short-term recovery. For example, an acceleration of government spending on needed infrastructure projects would have desirable effects both immediately and over time.

But the emphasis must be on righting the basics. Problems with the country's underlying competitiveness have limited our short-term options and will continue to constrain them until fundamental reforms have taken hold. Conversely, the most likely return to prosperity lies in addressing these structural problems and thus restoring confidence in the long-run prospects for America. The Council believes that the time has come to seek far-reaching reforms that would effectively come to grips with the deep, abiding problems identified above.

Our strategy in this report is to identify, and briefly elaborate, reforms in several areas that might generate such improvements over time. The Council is not yet ready to make firm recommendations for such a program but believes that actions of the type described, and the problems they seek to correct, should be focal points of national inquiry and debate during the coming year. Public officials and candidates for all officers should address them. The public, which often exhibits a keen awareness of the problem, should insist that they do so. This is the only process through which fundamental change can emerge.

TOWARD A NATIONAL COMPETITIVENESS STRATEGY

In each of the six areas to which we have addressed priority attention, the Council believes that efforts should be made to devise new policies that will make a fundamental change in America's competitive position. In this section, we offer illustrations of the kinds of reforms that we have in mind. The Council is not endorsing any of these steps at this time, having had inadequate time to explore their likely effectiveness and their full ramifications for the country. We believe, however, that these ideas, and others that pursue the same goals, should be seriously considered. The Council itself will be developing and testing such ideas preparatory to issuing firm recommendations in its next report. We urge other interested groups and individuals to do so as well.

In each area, national goals—such as those suggested in our prior discussion of the problems—should be set, against which subsequent performance can be gauged. We want a results-oriented strategy against whose criteria government, business, unions, educational and other institutions can be held accountable. In light of the sweeping scale, novelty and even experimental nature of some of these ideas, constant evaluation of their progress would be needed and should be built into the reforms themselves.

SAVING AND INVESTIMENT

The most obvious initiative to enhance saving and investment would be conversion of the budget deficit of the Federal government into balance or preferably surplus. The deficit drains more than half our private saving and drives up interest rates. It pushes us deeper into debt both at home and abroad. It raises serious doubts as to whether the country will ever put its house in order.

A surplus, by contrast, would make a net contribution to national saving. It would also provide a prudent foundation for the increases in pension and medical payments to our older citizens that will become inevitable as the population ages early in the next century. An overall budget surplus would in essence permit the surpluses in the Social Security and other trust funds to become genuine national saving rather than financing the rest of the government budget. It would provide a cushion against future economic difficulties.

Converting the deficit into a surplus will require an intensive review of all major spending programs. If adequate spending cuts cannot be found, it may be necessary at some future point to increase revenues. The sum of these improvements will have to exceed the present deficit because additional spending will be needed on some programs, such as public infrastructure, to promote US competitiveness.

In order to further enhance saving, it might be necessary to change the structure of US tax policy in ways that would eliminate, or even reverse, the perverse incentives in the present code. The most extreme option would be to substitute consumption-based taxes for all or some of our present income-based taxes. The effect would be to exempt all saving from taxation. The result should be a substantial rise in saving that would produce a sharp fall in the cost of capital. A less sweeping way to stimulate private saving would be to exempt all interest and dividend earnings from taxation, as Japan did until 1988 with its maruyu system that enabled each citizen to hold multiple tax-free savings accounts and invest in tax-free bonds.

Saving could also be encouraged indirectly through tax changes that would discourage consumption. Alternatives could include a value-added tax (VAT), as utilized in virtually every other major country; a national sales tax; limitation of the tax preference for interest paid on home mortgages that now

applies up to $1 million ; or other sector-specific approaches. These could replace some portion of today's income-based taxes or be adopted, instead of other types of taxes, to raise additional revenues as part of the essential effort to curb the budget deficit.

All of these pro-saving tax proposals have some undesirable features. The impact on income distribution of most of them is likely to be regressive. Despite the crucial importance of raising saving for the long run, it would be a mistake to dampen consumption too quickly in light of the present state of the economy.

These risks are genuine but can be countered by careful design of the taxes and by offsetting measures elsewhere. For example, necessities such as food and medicine can be exempted from a VAT or sales tax. Direct rebates can mitigate effects on the poor. If the new taxes were only a partial element in the overall regime, as is likely, the progressivity of the income tax could be increased to maintain fairness in the overall tax system. Some members of the Council nevertheless believe that consumption-based tax measures would be inappropriate and would prefer to continue relying on the progressive income tax.

EDUCATION

Sweeping reform of education, which the Council also believes should be seriously considered but on which we are not making specific recommendations in this report, would rest on building new incentives into the system at all levels. Colleges and universities would grant admission into degree programs only to those students who have demonstrated that they are prepared for real college-level work. The Federal government would provide incentives for colleges to raise their standards, and for students to meet those standards, by conditioning its institutional and student aid on this basis—and by making sure that all qualified students, however needy, obtain a college education.

Teachers and other K–12 personnel would be rewarded, as a group at each school, for improved performance by their students in meeting higher standards. Students and parents could be given a choice of schools to attend. Teachers pay would be made sensitive to shortages in individual disciplines to stimulate the supply of teachers in those areas. The impact on productivity of our system of educational governance and administration should be examined.

Similarly, students who do not attend college should be qualified to obtain good jobs as they leave high school. Employers would begin to scrutinize high school transcripts and teacher recommendations, and take them seriously into account in their hiring decisions. Companies might earmark some jobs for graduates designated by certain high schools, based in turn on those students' records. Structured work-study programs, drawing on German and other European experiences, could substantially improve both the job prospects for high school students and the quality of the workforce that emerges.

TRAINING

Fundamental reform can also be envisaged for aiding workers who must shift jobs due to dynamic changes in the economy. We now rely essentially on market forces and the efforts of some individual companies—and the latter should be improved and expanded to cover all classes of employees. But our Federal government has never mounted effective or widely accessible training programs. Most older industrial counties do it—and most of them spend more than twice as much as the United States on the effort (Figure 24). The focus of a new training program would be on comprehensive worker adjustment assistance that comprised retraining, job search assistance and temporary income support tailored to the needs of the individual. Achievement of a fully competitive educational system would of course help to alleviate this problem as well.

TECHNOLOGY

On technology, the United States could establish a new mechanism for government and industry to work together to promote the development of generic pre-competitive technologies that are not being financed by the private sector. The Federal government has done a good job in supporting defense-related technologies, through its own national laboratories and the Defense Advanced Research Projects Agency (DARPA), but has been much less effective on the civilian side. There are huge differences between the two, and it is clear that expertise in generating and utilizing defense technologies cannot be easily transferred to commercial products.

Nevertheless, the end of the Cold War frees an enormous amount of high-quality resources in the United States: scientists, technicians, skilled workers managers as well as capital in both the private and public sectors. An historic opportunity exists to redeploy at least some of those resources into channels that will support the restoration of American competitiveness. Much of this conversion must be accomplished in the private sector and some individual firms have already succeeded in launched the shift.

The Federal Government, however, may need to stimulate and encourage, may need to stimulate and encourage the process. In addition to creating a new mechanism for government-industry technology cooperation, at least large parts of the national laboratories—among our finest national institutions—should be redirected toward commerical ventures. More effective commercialization of new technologies could be promoted through the creation of new programs and institutions aimed at technology diffusion and application, such as a manufacturing extension program on the model of our agricultrial extension service.

CORPORATE GOVERNANCE AND FINANCIAL MARKETS

On Corporate Governance and Financial Markets, the issue is whether our present system promotes or impedes growth in competitiveness. This question can be answered by careful evaluation of a number of propositions including the following:

the degree to which long-term performance is the shared goal of both corporate managers and shareholder-owners;

the degree of management's accountability to owners;

the effectiveness of owner monitoring to achieve this goal;

the impact of the "short term" signals sent by the trading practices of institutional investors and management's reaction to them;

the desirability of dampening current rapid stock turnover patterns;

the degree to which management's goals of creating shareholder value, creating corporate wealth and advancing the interests of stakeholders (including workers, suppliers and communities) conflict or harmonize with each other, and the preference for one over the other; and

the effect of legislation in establishing a duty to these several constituencies.

HEALTH CARE COSTS

Comprehensive reform of health care, in addition to pursuing universal coverage, would involve a recognition that incentives for efficient utilization of medical care are lacking at all levels of the system. To deal with exploding costs, the Federal government could make use of a variety of containment strategies (including expenditure caps) both to reduce unnecessary use of medical services and to improve efficiency of the health care payment system.

Several alternative possibilities are currently being discussed:

a single payer at the national or state levels could be established (with new limits on malpractice liability);

to deal with the problems of uninsured, about 80 percent of whom are in working families, Congress could mandate employment-based coverage through a pay-or-play tax as recommended by The US Bipartisan Commission on Comprehensive Health Care (Pepper Commission);

individuals could receive assistance in buying insurance with vouchers, tax credits or expanded regulations;

a new universal access system could be created similar to those in other industrial countries.

TRADE

On trade, the Council also believes that an extensive set of reforms should be considered:

An agreement among the Group of Seven industrial nations (G–7) to maintain the exchange rate of the dollar (and other currencies) at a competitive level, building on the "reference ranges" that were agreed in 1987. Avoiding dollar overvaluation is of central importance in maintaining American trade competitiveness;

More broadly, agreements with the other economic superpowers (the European Community and Japan) to coordinate macroeconomics and monetary policies to sustain world growth and thus a hospitable environment for continuing trade expansion;

Effective results that will promote US trade, employment and other interests through the several international negotiations in which the United States is presently engaged: most importantly, the Uruguay Round in the GATT, but also the North American Free Trade Agreement and subsequently the Enterprise for the Americas Institute;

Substantial expansion of the Export-Import Bank to match both the magnitude and effectiveness of other countries' official export programs, as needed to induce others to agree to limit (or preferably eliminate) intergovernmental competition in this area;

Elimination or sharp reduction of many of the export disincentives (excessive or unnecessary national security controls, foreign policy controls, sanctions, short supply controls, etc.) that now curtail billions of dollars worth of foreign sales by US firms annually.

Evaluation of the effectiveness of US trade laws;

Effective assessment of the practices pursued by our trading partners, specifically with regard to how such practices affect US exports;

A reduction in staff turnover in the relevant government agencies to improve America's ability to negotiate beneficial trade agreements; and

Comprehensive assessment of how multinational corporations, particularly those headquartered domestically, affect our competitiveness.

SOLV: A NATIONAL MODEL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. WYDEN. Mr. Speaker, today I am honored to rise and pay tribute to SOLV, an organization of tens of thousands of citizen volunteers who help keep Oregon one of the environmental treasures of the country.

I bring this program to the attention of our colleagues because I believe SOLV is a model for environmental cleanup programs that can be adopted in every community in America.

SOLV works by bringing together Federal, State and local government agencies, business and industry, and most importantly citizen volunteers, into a powerful alliance to preserve the livability of Oregon. No single sector—be it government, industry, or citizen activists—can do the job alone. But when they join forces under SOLV, that's when the magic occurs. SOLV is a builder of bridges, not fences.

For more than 23 years, SOLV has made a real difference in the livability of my State—not through lawsuits or confrontation—but by putting volunteers to work for our communities. SOLV volunteers clean our beaches and waterways, educate our children about the environment, and clean up illegal garbage dumps.

Through the efforts of thousands of SOLV volunteers each year, more than 150 Oregon communities are cleaner, safer, and better places to live.

As Jack McGowan, executive director of SOLV, has put it, "We educate our children by example. Future generations will judge whether that example is one of vision, public service, and concern for the environment, or one of apathy and the status quo."

For example, SOLV, along with government and business partners, now undertakes the Nation's largest 1-day cleanup of illegal dump sites in a program called SOLV IT. During this year's annual event, 3,500 SOLV volunteers collected approximately 216,000 pounds of solid waste, 6,841 tires, and more than 57,000 pounds of scrap metal from 12 illegal dump sites located in wetlands, stream beds, and otherwise picturesque ravines in the Portland metropolitan area.

In partnership with the Oregon State Parks Division and the Oregon Department of Fish and Wildlife, SOLV has conducted one of the largest beach cleanups in America. For the past 9 years, thousands of volunteers have collected trash and debris washed up on Oregon's beautiful coast. This past spring, SOLV brought together more than 6,200 volunteers who cleaned up the entire coast from Washington to California. These volunteers collected more than 33 tons of debris, not only benefiting the environment, but saving Oregon taxpayers $750,000 in cleanup costs. This is the kind of dedicated volunteerism that America needs.

SOLV has also worked to protect Oregon's coast from the destruction and devastation of oil spills. By working through a bureaucratic maze of seven State and Federal agencies, SOLV initiated and helped develop the country's first program to train citizens to clean up coastal environments after an oil spill.

Acting as a catalyst, SOLV brought together the U.S. Coast Guard, U.S. Fish and Wildlife Service, Federal OSHA, Oregon OSHA, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, and the Washington Department of Ecology to develop the training program. These free classes are held throughout Oregon on a regular basis.

Because of SOLV's persistent efforts, citizens learn how to successfully clean oil from beaches and headlands and how to capture and save birds and other wildlife drenched with oil. Without training and certification, citizens anxious to help clean up the environment after a spill could not do so.

Oregon now has a citizen force of more than 700 trained volunteers ready to respond when the oilspill occurs.

For all of these innovative ideas, SOLV was recognized today with one of the Department of the Interior's Sixth Annual Take Pride in America Awards.

This prestigious award recognizes citizens, organizations, and companies who best personify a spirit of volunteerism, stewardship, and dedication to the preservation of our Nation's natural resources.

There is no reason why every State in the country can't mobilize citizens of goodwill like SOLV has. SOLV would be happy to share the secrets of their success with citizens nationwide. I hope Members will pass on the story of this exciting organization, and I encourage my colleagues to invite their constituents to contact the program to pick up the SOLV spirit.

MEXICO'S MIRACLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. CRANE. Mr. Speaker, in February, I had the tremendous honor of meeting President Carlos Salinas de Gortari of Mexico—who, in my opinion, is one of the world's most innovative and effective leaders. Through his programs of economic and governmental reforms, he has taken a country on the brink of economic destitution and turned it into a success story that should not only inspire other underdeveloped countries to attempt similar reforms but offers important economic lessons for our own country. President Salinas' commitment to free enterprise and market economy has transformed an economy plagued by inflation, corruption, and budget deficits into a robust engine of growth, efficiency, and budget surpluses. President Salinas has engineered a miracle that has made Mexico's economy the leader in Latin America. I commend to my colleagues the following article detailing Mexico's extraordinary economic growth and the rich, energetic market that awaits American business upon the successful completion of the North American Free Trade Agreement [NAFTA]:

MEXICO'S MAESTRO

(By Martin and Kathleen Feldstein)

Confidence is running high in Mexico these days. Its economy is one of the best-performing in Latin America, only a few years after it stood at the brink of financial collapse. Mexico's dramatic turnaround, based on adopting the principles of a market economy, is being envied and emulated by other countries from Latin America to Eastern Europe that are trying to escape from inefficient government-dominated economic policies.

The Mexican economic comeback has been masterminded by a group of top government officials who were trained in economics at US universities. President Carlos Salinas de Gortari, who received his doctorate at Harvard University, was the minister of economics and budget who designed the reform plan that began under his predecessor as president, Miguel de la Madrid Hurtado. The key Cabinet jobs in economics, finance, and trade are now also held by others with economic doctorates from the United States.

We recently visited Mexico City, where we talked with some of these officials and other leading economists. We came away feeling that their confidence in Mexico's economic future is well founded. Although they frankly admit that many problems remain to be solved, the structural framework for solving them is in place and the people responsible for the policies are exceptionally able.

When President Salinas (or one of his key Cabinet ministers) speaks to an international group of businessmen, bankers, and economists, he leaves no doubt about his unusually deep technical understanding of the complexities of Mexican economic reform. The Mexican miracle would probably not have been possible without a president and a team of top ministers who combine great political skill with such thorough understanding of economic fundamentals. When they answer questions, they make it clear that their remarks are not just a practiced speech but a reflection of real personal knowledge and detailed involvement in the reform process.

Our trip also persuaded us that the Mexicans are committed to a successful conclusion to the current negotiations to establish a North American Free Trade Agreement (NAFTA) with the United States and Canada. Such an agreement would remove barriers to trade and investment among the three countries in the same way that the recent U.S.-Canada Free Trade Agreement has done.

The NAFTA will be a good thing for all three countries, but it holds extra significance for Mexico. Although opinion polls in Mexico show that Carlos Salinas is now a very popular president and that his economic reforms have been well received, he worries that a future government could undo the recent changes and revert to state controls and public ownership. A free trade treaty with the United States would prevent such backsliding by increasing the links between the two economies to a point where future renationalizations and reregulation would be impossible.

President Salinas is not the only one who worries about the permanence of the recent economic reforms. Although Mexico has been expanding the markets for its products in the U.S. and attracting substantial amounts of foreign investment, many companies are still reluctant to establish or expand trade and investment relations with Mexico because they fear that the reform process may not be maintained. The free trade treaty will reduce those concerns by making it very clear that the Mexican reforms are permanent and that Mexico will be keeping its border open to imports and to foreign investment from the U.S. and Canada.

An increase in foreign investment in Mexico and in Mexican exports to the U.S. and Canada will provide better jobs for the Mexican labor force. Mexico is a very poor country with an average income only one-tenth the level in the United States. About one-fourth of Mexicans live without running water, and a large proportion have neither electricity nor sanitary sewage disposal. The better jobs that will come with increased investment and industrialization will mean faster growth of Mexicans' incomes and in their overall standard of living.

An important aspect of that rise in the Mexican standard of living will be an improvement in Mexican environmental conditions. Mexico City's air quality is now one of the worst in any major city in the world, and industrial facilities in other parts of the country create more pollution than American plants producing the same products. The high levels of industrial pollution along the U.S.-Mexico border, created by the American-owned plants built in Mexico under the maquiladora program of production for re-export, have caused political tension in some Southwestern states.

It's not surprising that a poor country like Mexico strikes a different balance between a cleaner environment and the other things that contribute to the quality of life than we do in the wealthier countries of North America and Western Europe. Improving environmental standards is costly. Citizens in the United States and Canada can turn their attention to environmental issues because they have already attained a high standard of living. But is Mexico wrong if it is reluctant to spend as much on environmental improvement at the expense of providing basic services to its people?

Some Americans oppose the NAFTA because they fear that US firms will shift pollution to Mexico in order to take advantage of lower environmental standards, and that Mexican industrialization will lead to increased global pollution. This view ignores the fact that rising incomes lead to policies that reduce pollution. As incomes rise in Mexico, the Mexicans will be willing and able to pay more to improve their environment. In fact, many environmental rules are already on the books but are not being enforced. In time the Mexican people will demand that the rules be enforced. The best way to achieve an improvement in the Mexican environment is as part of the overall increase in the standard of living that will come with economic development.

Contrary to many popular complaints in the United States, the US will actually benefit from the impact of NAFTA on the US labor market. The United States now exports more to Mexico than it imports from Mexico, implying that current trade with Mexico creates more jobs in US export industries than are displaced by imports from Mexico. The free trade agreement will lead immediately to increased US exports to Mexico—especially of machinery and equipment needed for increased investment in Mexico—and the making of those exports will mean more employment in the US.

Some exports from Mexico to the United States will no doubt replace production in the US, and some American firms will transfer manufacturing facilities to Mexico, where labor costs are substantially lower. Some low-skilled US manufacturing workers will lose their current jobs and have to find employment in service firms or other manufacturing industries. Such job changes are nothing new for the US economy. More than 10% of US manufacturing workers leave their jobs each year and find work in other firms.

But the most important effect of a NAFTA on US labor markets will come over time as US companies work closely with Mexican firms and with US subsidiaries in Mexico to rationalize the production of manufactured goods. Lower-cost Mexican labor will be used to manufacture components for US products like autos or to convert US textiles into finished clothing. The result will be lower costs of production that make the US products more competitive both at home and abroad. And that will mean higher real incomes for both Mexicans and Americans.

Japanese firms have long been rationalizing production in a similar way through links with producers in lower-wage countries like South Korea and Thailand. As a result, the Japanese firms have been able to keep down the cost of their autos and electronic products despite rising wages in Japan and a higher valued Japanese yen. The free trade agreement with Mexico will give US firms the opportunity to remain competitive in much the same way that the Japanese firms have.

The Mexican government could never have contemplated a free trade agreement with the United States if it had not radically transformed its economy during the past half dozen years. To see how substantial that change has been, we have to remember what the economic situation was like when President de la Madrid, advised by an economics team headed by Carlos Salinas, took the first steps to reform just six years ago.

Mexicans often refer to the 1970's as "the lost years." The heavy hand of government reached into every corner of the economy, both through state ownership and through state regulations. State industries were generally inefficient and heavily subsidized. Corruption was ignored.

This was a period when Mexico was virtually closed to foreign investment and to imports of most manufactured products. Its inefficient firms were unable to export manufactured products, forcing Mexico to be overly reliant on its oil industry to generate the foreign currency earnings needed to finance those imports of consumer goods and equipment that were allowed into the country.

It borrowed heavily from foreign banks during the years of the OPEC cartel when its oil earnings were very substantial. But this money was not used for investing in Mexico's growth. And when the price of oil collapsed in the early 1980s, the Mexican economy collapsed as well. In the summer of 1982, Mexico threatened to default on $100 billion of foreign debt, initiating a financial crisis that ricocheted across Latin America and world financial centers.

The result of this economic mismanagement was rampant inflation and a balance-of-payments crisis. By 1987 the inflation rate reached 159%, and the budget deficit had risen to more than 15% of gross national product. (For comparison, Washington's huge deficit that year was 3.4% of GNP.) Billions of dollars of capital had fled the country, transferred overseas by wealthy Mexicans who despaired of their country's future.

Five years later the inflation rate is down to 15% and falling. The government budget has been brought into balance and is even showing slight surplus. And the economy is now growing at more than 3.5% after inflation, strong domestic investment and non-petroleum exports.

Mexico achieved this recovery by completely reversing its mistaken policies of the 1970s. The economic team decided to approach the overhaul in steps. The first priority was to bring down the rate of inflation. To do this, they applied the traditional medicine of tough monetary and fiscal policies combined with an innovative political agreement with business and organized labor.

Monetary policy was so tight that interest rates exceeded inflation by more than 20%. This pressure was maintained for several years until the inflation rate had been sharply reduced. Today the attraction of Mexico to foreign investors is so great that the central bank is keeping interest rates down to prevent an excessive rise in the value of the Mexican peso.

The budget deficit was completely eliminated. This was done by cutting government spending rather than by raising tax rates, with the share of government spending in the GNP cut from 30% to less than 20%. Most of that spending decline was in the form of reduced subsidies to inefficient Mexican private firms and reduced losses on state-owned businesses. Mexican officials also point with pride to the savings that they have achieved by eliminating political patronage investments like highways leading to the estates of local officials.

But tight monetary and fiscal policy alone would not have been able to bring the inflation rate down as quickly without the explicit support of business and organized labor. The Pacto, as this agreement is called, involved mutual concessions to limit increases in prices and wages, backed up by government price controls on basic consumer staples like flour. And, by bringing representatives of business and of the powerful labor unions to sit with government officials, the Pacto process allowed inflation to be reduced without political disturbances or organized resistance. As the inflation rate has declined, the controls on most prices have been eliminated and the government is evolving toward its goal of letting prices and wages be determined entirely by market conditions.

Lower inflation and elimination of the budget deficit have made it possible to achieve major structural reforms—privatization, deregulation, tax reform, and the opening of the country to foreign products and investments. This is an ongoing process, but much has already been accomplished.

Privatization has been central to these structural reforms. Along with hundreds of previously nationalized small businesses, large industries like the airlines, the national telephone company, and major banks have already been sold off to private investors for a total of $16 billion. Privatization sales have also eliminated many money-losing activities that had only added to the budget deficit. And with new foreign ownership has come an infusion of technology, capital, and management that will increase the efficiency of Mexican industry.

A consortium including Mexican, U.S., and French investors bought more than 90% of Telmex, the previously nationally owned telephone company, for $4.8 billion. The two national airlines are no longer a drain on scarce government funds but have been sold to private investors. The government is in the process of selling the commercial banks that were nationalized in the early 1980s by the predecessor of President de la Madrid. Several banks have already been sold, including Bancomer and Banamex, the second- and third-largest financial institutions in Latin America.

The government has been careful not to use the proceeds of these sales for current

spending but to devote these funds to reducing Mexico's net national debt. Privatization has thus meant lower interest costs for the government as well as elimination of the subsidies previously paid to lossmaking nationalized firms. President Salinas has made privatization politically popular by using these savings to finance programs for the poor, including rural electrification and sanitation projects.

By the end of this year, the government will have completed its privatization program. The only major exception to the privatization process will be the oil industry. The Mexican Constitution restricts ownership in this industry to Mexican citizens. Although Mexico would benefit from the infusion of capital and high technology that would come from opening up this industry, the outlook here is not bright because of the political history of oil in Mexico and the widespread public notion that oil is Mexico's "patrimony." But, even in this sector, progress is being made in opening the petrochemical industry to foreign investment.

Along with privatizing government-owned firms has come the deregulation of private industry. Transportation was the first sector to be deregulated, because of its importance to the operation of the economy. Trucks are no longer forced to return empty because of restrictions on where they could take on cargo, and new privately financed airlines have sprung up to serve regional markets. Deregulation is being extended into other areas including such diverse things as product packaging, textile production, and telecommunications.

The Mexican tax system has long had a reputation for corruption and noncompliance, as well as legal but wasteful loopholes. The Salinas government changed the tax rules and toughened enforcement, actually sending prominent tax cheaters to jail for the first time since the introduction of the Mexican income tax decades ago. Even with top personal income tax rates down from over 60% to a 35% maximum, tax collections have increased. The corporate tax rate is also down from 43% to 35%, and the value added tax has been cut from 15% to 10%.

Finally there has been a push for policies to stimulate trade and foreign investment. Mexico has made enormous strides in opening its economy to imports since it joined the GATT world trade system in 1986. Before then, the maximum tariff rates on imports reached 100%. Now the maximum tariff is 20%, and the average tariff is less than 10%. Non-tariff barriers have been substantially reduced, and import licenses have been virtually eliminated.

Before the Salinas administration, foreign investment was tightly limited and definitely discouraged. It was critical for this restriction to be reversed in order to stimulate domestic growth. Last year direct foreign investment into Mexico was $4.8 billion. In addition, much of the Mexican flight capital that had been transferred overseas has been repatriated. This is one of the most important signs of the confidence that the Salinas program has fostered among Mexican investors.

Foreign investors are also buying Mexican stocks directly through the Mexican stock market and through the financial markets in New York.

The Mexican stock market boom has driven the value of Mexican shares up more than 100% in the past year and is providing financing opportunities for expanding businesses in Mexico. Last year the inflow of portfolio investment to Mexico was $7.5 billion.

Mexico was the first country to restructure its external debt under the Brady Plan for resolving the international debt crisis. The restructuring agreement, signed in early 1990 in Mexico City, removed a cloud of uncertainty hanging over the Mexicans and signaled the end of an eight-year period of conflict with the international banking community.

Mexico has achieved fiscal balance, cut its inflation dramatically, and made remarkable progress on structural economic reforms. But it still has many problems.

Mexico remains a poor developing country with a general standard of living far below that in the United States or in any country of Western Europe. Its population of 85 million is growing at more than 1.9% a year, adding to the problems of poverty and overcrowding.

Some of the poorest Mexicans are among the 25% of the work force engaged in agriculture, where they produce less than 10% of GNP. A radical reform of land ownership rules was recently announced by President Salinas. But change will come only slowly to this very traditional sector.

Although overall economic growth is being fostered by economic reform, it will take decades for Mexican real incomes to reach the level that now prevails in even the poorest countries of Western Europe. Some progress has been made in reducing the birth rate in urban areas by increasing education and job opportunities for young women. But providing education and social services to the rapidly growing population remains a formidable challenge.

Despite these problems, the experience of Mexico in the past half-dozen years must be regarded as one of the greatest success stories in the annals of economic reform. The combination of these economic reforms and the free trade agreement with the United States holds out great hope for economic progress to raise the standard of living of America's southern neighbors.

The Mexican success story is also helping to drive reform elsewhere in Latin America and Eastern Europe. Governments there are trying to follow Mexico's example in balancing budgets, cutting inflation, ending industrial subsidies, and privatizing state firms. And, like Mexico, they are pursuing the opportunities and accepting the discipline that comes from opening their borders to foreign investment and the competition of imported products.

Because the Mexican economy is only one-twentieth the size of the US economy, the direct impact of its progress on the US economy will be quite small. But in a larger sense the people of the United States will benefit enormously from the changes that are taking place in Mexico, changes that will be expanded and enhanced by the North American Free Trade Agreement.

Sound economic growth, the decentralization of power that comes from privatization, and the forging of close links with the American economy through trade and investment will make Mexico a politically stable and philosophically compatible ally with which to face the 21st century.

A TRIBUTE TO ED CUSHMAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. DINGELL. Mr. Speaker, I rise today to express my sorrow, which I share with many in Michigan, at the passing of Edward L. Cushman. My condolences go out to family members.

Edward was a man for all seasons. He enjoyed major success in all sectors of life—business, labor, education, and public service. Above all, he was a forerunner of the kind and quality of work life that many Americans aspire to achieve today.

Born on April 6, 1914, in Boston, MA, Edward Cushman graduated from the University of Michigan with degrees in political science and labor economics, and married the former Katherine Jean Moore of Dearborn.

Ed Cushman embarked upon his long and rich career with humble beginnings, toiling in the vineyards of the nuts and bolts of research analysis as research economist for the Michigan Unemployment Compensation Commission. By 1939 Mr. Cushman had been named director of the Civil Service Department of the Michigan Unemployment Compensation Commission and also assistant to the State director of the Michigan State Employment Service, where he was instrumental in drafting the original Michigan Unemployment Compensation Act—playing an historic role as part of the New Deal during the Roosevelt administration.

Mr. Cushman was named Michigan Director of the War Manpower Commission and the U.S. Employment Service in 1943 after holding important posts for the office of production management, the War Production Board, U.S. Employment Service, and the War Manpower Commission. He continued his major contributions to public service while serving in 1946 as special assistant to the Secretary of Labor in Washington. He served as chairman of the U.S. delegation to the Metal Trades Committee of the International Labor Organization.

Ed Cushman was a man who relished involvement in civic affairs, serving as vice chairman of the Citizens of Michigan, which became a springboard for George Romney to run for the Governor of Michigan, and a citizen movement leading to a State constitutional convention.

Ed used his expertise in labor matters and his many years public service to establish a solid foundation for his many contributions to the American business community. From 1954 to 1966 he was vice president and member of the board of American Motors. As an AMC vice president in 1961, he helped negotiate a labor package that at the time was considered one of the most progressive in the industry's history. In addition to incorporated profitsharing, as a key element in the UAW–AMC agreement, he helped resolve hundreds of labor disputes throughout the United States, establishing himself as one of the most outstanding experts in labor management relations in the Nation.

Active in his community and church, Ed was named "Layman of the Year" by the Detroit Council of Churches in 1960, and in 1963 the Michigan Council of Churches named him "Michigan Churchman of the Year." His diligent service on the National Council of the Boy Scouts of America and on the executive board of the Detroit area council, Boy Scouts of America, demonstrated his love for and commitment for the youth of his community, in Michigan, and throughout the Nation.

He was professor of public administration and director of the Institute of Industrial Rela-

tions at Wayne State University and served as its executive vice president and treasurer of its Board of Governors. There is no doubt that his legacy and contributions to the university will long be remembered by students and faculty members alike.

Ed Cushman was an unassuming man who talked little of his own accomplishments. But he was a man who relished living life to its fullest. He was a man who could help lead a public agency, major American corporation, or university by day and smoke a cigar and play his favorite game of dominos by night. He was a hard-nosed labor negotiator and a compassionate advisor to our youth. He was a dedicated public servant and a shrewd businessman. But with all this, he still had time to play a key role in the Christ Episcopal Church of Dearborn and be a loving husband to his wife and father to his children.

Mr. Speaker, Edward Cushman was, indeed, a man for all seasons. He was civic leader, public servant, educator, and businessman. He will be sorely missed by many, but his accomplishments will remain.

THE CIVIL RIGHTS FIGHT CONTINUES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. PICKLE. Mr. Speaker, "the Great Society is back in the news," said the Washington Post recently. The occasion, of course, was the contention of some national officials that the social programs of the 1960's were in some way responsible for the Los Angeles riots. "As a reminder of what the Great Society was about, and of how another President approached the issues that recurred * * * in Los Angeles," the Post printed exercepts from a speech President Johnson delivered at Howard University in June 1965. The Civil Rights Act of 1964 was already law and the Voting Rights Act of 1965 would be passed in a few weeks when LBJ spoke. Some of his remarks, printed by the Post, were:

. . . The barriers to . . . freedom are tumbling down . . . but freedom is not enough. You do not wipe away the scars of centuries by saying, "Now you are free to go where you want, and do as you desire, and choose the leaders you please."

You do not take a person who, for years, has been hobbled by chains and bring him up to the starting line of a race and then say, "You are free to compete with all the others."

This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

Our distinguished colleague from New York, Senator DANIEL PATRICK MOYNIHAN, who as Assistant Secretary of Labor wrote the first draft of LBJ's Howard University speech, recently inserted the Washington Post article in the CONGRESSIONAL RECORD, saying, "I am told that young staffers at the Post were astounded by the speech. They had not known that a President had ever talked to the American people in such terms."

Mr. Speaker, not just by his words, but by his actions as well, we will remember Lyndon Johnson as one of the great civil rights Presidents in American history. He was a civil rights champion to the very core of his being. And he remained a civil rights champion to the last days of his life.

Not many people today are aware of it, but the last speech LBJ delivered was a civil rights speech—one of the most powerful he ever gave. I was privileged to hear it and I will never forget it. The date was December 12, 1972. The place, fittingly enough, was the LBJ Library. LBJ was the concluding speaker in a symposium on civil rights which had assembled some of the giants of the movement—Earl Warren, Roy Wilkins, Clarence Mitchell, Hubert Humphrey, Vernon Jordan, Julian Bond, and such rising young stars as Barbara Jordan and Yvonne Burke.

The President had suffered a heart attack the year before and another would take him off a month later. He ascended the steps to the stage with some effort, slipped something into his mouth which was later revealed to have been a nitroglycerin tablet, and began slowly to speak.

Here are excerpts of what he said on that occasion. I commend them to all of my colleagues, on both sides of the aisle. Reading them after all of these years, should move all of us to rededicate ourselves to the cause of equality and fairness and justice and opportunity that Lyndon Johnson espoused so eloquently.

I don't speak very often or very long. My doctor admonished me not to speak at all this morning, but I'm going to because I have some things I want to say to you.

Of all the records that are housed in this Library, it is the record of this work which has brought us here that holds the most of myself within it and holds for me the most intimate meanings. In our system of government, honorable men honestly differ in their perceptions of government and what it's really all about. And today I can speak only of my own perception.

I believe that the essence of government lies with unceasing concern for the welfare and dignity and decency and innate integrity of life for every individual.

I do not say that I've always seen this matter, in terms of the special plight of the black man, as clearly as I came to see it in the course of my life and experience and responsibility. Now, let me make it plain that when I say "black," I also mean brown and yellow and red and all the other people who suffer discrimination because of their color or their heritage. Every group meets its own special problems, of course, but the problem of equal justice applied to us all.

Black Americans are voting now where they were not voting at all ten years ago. Black Americans are working now where they were not working ten years ago. Black Americans, brown Americans—Americans of every color and every condition—are eating now, shopping now, riding now, spending nights now, obtaining credit now, giving now, attending classes now, going and coming in dignity where and as they were never able to do in years before.

[But] the progress has been much too small; we haven't done nearly enough.

So let no one delude himself that his work is done. By unconcern, by neglect, by complacent beliefs that our labors in the fields of human rights are completed, we of today can seed our future with storms that would rage over the lives of our children and our children's children. Yesterday it was commonly said that the black problem was a Southern problem. Today it is commonly said that the black problem is an urban problem, a problem of the inner city. But as I see it, the black program today, as it was yesterday and yester-year, is not a problem of regions or states or cities or neighborhoods. It is a problem, a concern and responsibility of this whole nation. Moreover, and we cannot obscure this blunt fact, the black problem remains what it has always been, the simple problem of being black in a white society. That is the problem which our efforts have not yet addressed.

To be black in a white society is not to stand on level and equal ground. While the races may stand side by side, whites stand on history's mountain and blacks stand in history's hollow. We must overcome unequal history before we overcome unequal opportunity. That is not, nor will it ever be, an easy goal for us to achieve.

Individuals and groups who have struggled long to gain advantages for themselves do not readily yield the gains of their struggles or their achievements so that others may have advantages or opportunities. But that is just the point, now and always. There is no surrender, there is no loss involved. No advantage is safe, no gain is secure in this society unless those advantages and those gains are opened up to all alike.

Where we have been concerned in the past for groups as groups, now we must become more concerned with individuals as individuals. As we have lifted from groups the burdens of unequal law and custom, the next thrust of our efforts must be to lift from individuals those burdens of unequal history.

Not a white American in all this land would fail to be outraged if an opposing team tried to insert a twelfth man in the line-up to stop a black fullback on the football field. Yet off the field, away from the stadium, outside the reach of television cameras and the watching eyes of millions of their fellow men, every black American in this land, man or woman, plays out life running against the twelfth man of a history he did not make and a fate he did not choose.

In this challenge, our churches, our schools, our unions, our professions, our trades, our military, our private employers, and our government have a great duty from which they cannot turn. It is the duty of sustaining the momentum of this society's effort to equalize the history of some of our people so that we may open opportunity for all our people.

Some may respond to these suggestions with exclamations of shock and dismay. Such proposals, they will say, ask that special consideration be given to black Americans. I can only hear such protest through ears attuned by a lifetime of listening to the language of evasion.

All that I hear now I have heard before for 40 years, in many forms and many forums. Give them the vote? I saw a murder almost committed because I said that in '37. Most people said, unthinkable! Give them the right to sit where they wish on the bus? Impossible! Give them the privilege of staying at the same hotel, using the same restroom, eating at the same counter, joining the same club, attending the same classroom? Never! Never!

Well, this cry of "never" I've heard all of my life. And what we commemorate on this great day is some of the work which has helped in some areas to make never now.

This is precisely the work which we must continue. It's time to leave aside the legalisms and euphemisms and eloquent evasions. It's time to get down to the business of trying to stand black and white on level ground.

For myself, I believe it's time for all of us in government and out to face up to the challenge. We must review and reevaluate what we've done and what we're doing. In specific areas we must set new goals, new objectives, and new standards. Not merely what we can do to try to keep things quiet, but what we must do to make things better.

Now how much are we giving for that in this meeting? How much are we going to give in the days ahead? How are we going to employ that time? Who is going to bring our groups together? Who is going to select that leadership? And what is that leadership going to do?

I don't have a great staff, and little I can contribute in the way of leadership. But [to] those of you who do make up a great staff and who served as my staff, I want to suggest a few thoughts.

1. Are the federal government and the state governments, the foundations, the churches, the universities, doing what they can and all they should to assure enough scholarships for young blacks in every field?

2. Are our professions such as law, medicine, accounting, engineering, dentistry, architecture taking the initiative, sounding the call to make certain that their educational programs are so planned and so conducted that blacks are being prepared for the leadership courses and are given the support that they must have if they are to complete the courses and to have genuine opportunities to establish themselves in positions of leadership, professional careers, and things of that matter after their college days?

3. Are our trade unions and all those concerned with vocational occupations doing the same to open up apprenticeships and training programs, so that the blacks and the groups I spoke of have a fair chance at entering and a fair chance of succeeding in these fields that are so vital to the future of our nation and our country at this very moment?

4. Are our employers, who have already made a start toward opening jobs to the blacks, doing what they can and should in order to make certain that blacks qualify for advancement on the promotion ladder, and that the promotion ladder itself reaches out for the blacks as it does for the others in our society?

We cannot take care of the goals to which we've committed ourselves simply by adopting a black star system. It is good, it is heartening, it is satisfying to see individual blacks succeeding as stars in the fields of politics, athletics, entertainment, and other activities where they have high visibility. But we must not allow the visibility of a few to diminish the efforts to satisfy our real responsibility to the still unseen millions who are faced with our basic problem of being black in a white society.

Our objective must be to assure that all Americans play by the same rules. And that all Americans play against the same odds. Who among us would claim that that's true today? I feel this is the first work of any society which aspires to greatness. So let's be on with it.

We know there's injustice. We know there's intolerance. We know there's discrimination and hate and suspicion. And we know there's division among us. But there is a larger truth. We have proved that great progress is possible. We know how much still remains to be done. And if our efforts continue and if our will is strong and if our hearts are right and if courage remains our constant companion, then, my fellow Americans, I am confident we shall overcome.

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INTRODUCING THE CONVICT SERVICE LABOR PROHIBITION ACT OF 1992

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GONZALEZ. Mr. Speaker, I rise today to address a serious threat to working people throughout the United States by introducing the Convict Service Labor Prohibition Act of 1992. The threat is that of direct competition for jobs from prison labor in Mexico.

Last Wednesday, July 15, the U.S. Customs Service ruled that the long standing ban on the importation of goods made by convict labor does not apply to services. This decision opens the floodgates to the exportation of ever greater numbers of jobs from the United States and is a preview of what the Bush administration has in mind when the President talks about so-called free trade.

Specifically, Customs ruled that a Mexican company can once again start up a maquiladora operation it has set up inside of a prison in Juarez, Mexico. In fact, the operation began again the day before the ruling was officially announced. This operation uses Mexican convicts to sort retail coupons sent over from the United States. The information from this sorting and many of the coupons themselves are then exported back to the United States. While the coupon sorting industry does not seem vital to U.S. national interests, the Customs decision in this case sets a dangerous and far reaching precedent.

The operation in Juarez was set up specifically as a pilot project. With the approval of Customs, the use of prison labor will now expand throughout the maquiladora industry along the United States-Mexico border and throughout the interior of Mexico. And this expansion will not be limited to coupon sorting. The decision by Customs will allow incarcerated Mexcian workers to perform the widest range of services for export back into the United States, such as cleaning laundry, appliance repair, car repair, and many others. It may even include some of the assembly operations that make up so much of the maquiladora industry and other operations established by United States companies in Mexico.

Already, thousands of jobs have been lost as United States corporations have sought out cheap Mexican labor. The average wage in Mexico is 1/10 that in the United States. In the maquiladoras, many earn as little as $4 a day. Workers in the United States cannot compete with these wages let along what incarcerated labor will be paid. Many more companies are poised and ready to move south as soon as a free-trade agreement is signed. Now that Mexican prisoners can be used in trade with the United States, the southward flow of jobs wil become a torrent.

However, this is not to say expanded trade with Mexico is bad by definition. Such trade has great potential for benefiting working people on both sides of the border. To do this, the benefits of so-called free trade have to be widely distributed, and not just reserved for the few. Having been born and raised in San Antonio, TX, I am well aware of how important the economic ties between Mexico and the United States are and I have always done everything I could to protect and enhance these ties in the most mutually beneficial manner possible. What is at stake is what free trade is going to mean. By the looks of it, cities such as my own may be turned into little more than truck stops transhipping goods—some made in Mexican prisons—to and from Mexico. By allowing the use of convict labor the Bush administration has showed that the President's vision of free trade will profit the few at great cost to the many, and will lower the living standards of working people on both sides of the border.

Not only will this use of prison labor cost United States workers their jobs, but it will also hurt Mexican workers and force many more to migrate to the United States. Working people in Mexico earn far less in Mexico than they can in the United States. Working conditions along the border with the United States, where many work in the maquiladora industry, are a far cry from the conditions guaranteed U.S. workers by law. In a country where the official unemployment rate runs over 20 percent, the use of convict labor in the expansion of trade with the United States will only further lower living standards in Mexico. This will create even greater pressure for Mexican workers to migrate to the United States in search of work. They will have to do this, or face having to get themselves arrested just to find a job.

In the past, Congress has passed trade laws with the specific intent of protecting U.S. workers from the unfair competition of prison labor in other countries. The ban on the importation of goods made from convict labor has been on the books since 1930. In light of the ruling by Customs, this law is now obviously inadequate to protect the well-being of working people in the United States. For this reason, I am today introducing the Convict Service Labor Prohibition Act of 1992. This bill will include services in the ban on imports made with convict labor. It will also include services in the criminal penalties for the importation of such goods. And third, it will for the first time establish civil penalties for the violation of this law.

The rush toward free trade has been on the fast-track over a year now. All that we have gotten is a lot of broken promises from the President for the protection of the environment; domestic health, safety, and other laws; and for the protection of America's working people. I urge my colleagues to join with me in support of this much needed legislation to close this gaping hole in the law to help make sure that the interests of the working people of this Nation are not sold down the river of free trade for a fast buck.

A TRIBUTE TO GERRY HILLIER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Gerry Hillier, who is retiring from the Bureau of Land Management [BLM] after a distinguished career spanning more than 34 years.

Gerry was born in Portland, OR, and raised in Sacramento, CA. He attended the University of California at Davis and graduated with a B.S. degree in range management from Washington State University in 1958. In addition, he has completed graduate work in economics and public administration at Oregon State University, University of Montana, and George Washington University. Several years ago, Gerry completed a special program for Federal Senior Executive Service candidates.

Gerry began his professional career with the Bureau of Land Management over 34 years ago and served as a range conservationist in Susanville, CA, and Baker, OR, as well as a range manager in Prineville, OR, and assistant district manager in Rock Springs, WY. Gerry participated in the Department of Interior's Management Training Program in Washington, DC, before heading the soil and watershed conservation and range improvement programs for BLM in Montana.

In 1971, he was appointed district manager in Salt Lake City and in 1976 was promoted to district manager in Riverside, CA, where he has directed over 260 Federal employees in 5 resource areas and the district headquarters office. In 1980, Gerry assumed his role as district manager of the entire California Desert with the completion of the desert conservation area plan. He has been responsible for management and administration of 12.5 million acres of public land in San Bernardino, Inyo, Riverside, Imperial, Kern, Los Angeles, and San Diego Counties. Gerry has also served as a special assistant to the BLM Director in Washington, DC, for liaison with the President's Commission on Americans Outdoors. In 1989, he was recognized by the Department of the Interior as the recipient of the Meritorious Service Award for his career achievements in land and resource management.

Mr. Speaker, I ask that you join me, our colleagues, friends, and of course, Gerry's wife Judy, his two children and five grandchildren in recognizing my good friend's outstanding accomplishments with the BLM. Indeed, his record of service is certainly worthy of recognition by the House of Representatives.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE POLISH INSTITUTE OF ARTS AND SCIENCES IN AMERICA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to commemorate the Polish Institute of Arts and Sciences in America. The institute will celebrate its 50th anniversary at the Pierpoint Morgan Library in Manhattan on October 1, 1992.

The Polish institute is a scholarly organization upholding the tradition of its mother organization, the Polska Akademia Umiejetnosci, located in Krakow, Poland. In 1942 when the Polska Akademia was forced underground, a few of its members, notably Bronislaw Malinowski and Oskar Halecki, founded a Polska Academia in Exile in the United States.

The Communist occupation that followed the end of the war forced many more scholars to relocate to the United States, where they joined the ranks of those who had founded what was by then called the Polish Institute of Arts and Sciences.

The institute is dedicated to the preservation of free scholarship in Poland, and is a living symbol of its enduring heritage. The 1,500 current members include Nobel Prize winners, scholars, artists, and writers, all of whom have distinguished themselves in their chosen fields. The membership includes individuals of Polish descent as well as other ethnic groups who are conducting research into Polish or Polish-American subjects. Those individuals contribute their talent to scholarship efforts in Poland and in the United States.

Today, I join my colleagues in commemorating the dedication and perseverance of the members of the Polish Institute of Arts and Sciences. I hope that our shared commitment to the preservation of freedom shall continue until we have accomplished our goal of freedom worldwide.

CARL GARNER: MAKING THE WORLD JUST A LITTLE BETTER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. ALEXANDER. Mr. Speaker, I am proud to report that a project begun by my friend, Carl Garner of Heber Springs, was installed in the Take Pride in America Hall of Fame this morning.

The induction resulted from the Greers Ferry Lake and Little Red River Cleanup project being named a national Take Pride in America winner for 5 consecutive years.

Since 1970, Carl, who is resident engineer at Greers Ferry Lake in north-central Arkansas, has spearheaded the cleanup.

Carl Garner would be the first to give credit for the success of this program to the thousands of volunteers who came together each year to clean 300 miles of shoreline on Greers Ferry, 25 miles of shoreline on the Little Red River and 50 roadside miles in the area.

The cleanup—which has now evolved into a comprehensive year-round environmental and educational program—was the model for legislation which I introduced, along with Senator BUMPERS from Arkansas, requiring Federal land agencies to organize and conduct annual volunteer cleanups. Last year 52 separate cleanups were held in Arkansas—and more than 1 million people participated in similar events across the Nation.

So, what Carl Garner started on the shores of Greers Ferry Lake and the Little Red River in Arkansas has become a nationwide movement which serves to give people a greater appreciation for their public lands—and for the environment in general.

Carl—along with the thousands of people who have participated in these cleanups—are certainly to be congratulated.

I have been honored to participate in each of the cleanups and I can tell you that the enthusiasm of the volunteers is infectious and gives rise to the belief that—together—we can solve the many serious environmental problems faced by all of us who call this planet home.

And, Mr. Speaker, the massive cleanup does not cost the American taxpayer one dime. The $15,000 in expenses for last year's cleanup were paid by more than 300 businesses.

In 1991, more than 3,000 people, including 1,000 Boy Scouts, participated in the Greers Ferry Lake and Little Red River Cleanup. The Arkansas National Guard and two Cleburne County road crews transported 60 cubic yards of nonrecyclable trash and 8,700 pounds of aluminum cans were picked up and sold for recycling.

All of us should strive, in whatever way we can, to leave this Earth just a little better than we found it. And Carl Garner, and those who work alongside him, have certainly done just that. Again, Mr. Speaker, I offer my congratulations to each and every one of them.

INTRODUCTION OF THE HEAD START IMPROVEMENT BILL

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. MARTINEZ. Mr. Speaker, I come before you today to introduce a bill regarding one of our favorite Federal programs, the Head Start Act. The Head Start Act is, as we all know, a wonderful program that provides low-income preschool-aged children services that provide for their educational, social, health and nutritional needs. Once these children complete the Head Start Program, they are able to enter school on an equal footing with other children, instead of starting at a remedial level.

Studies show that the Head Start Program has been very successful, and that graduates from programs like Head Start are more likely to do well in school, stay in school, and are less likely to engage in delinquent behavior or drop out of school. Head Start, therefore, is a program that should be the cornerstone of our social policy—not only does it provide educational and health services to children who might not otherwise receive these services, but it is a very effective preventive program for our at-risk youth.

As chairman of the subcommittee with jurisdiction of the Head Start Act, I am one of its greatest fans. I think that Head Start is a program that should be emulated throughout our national social policy. I am not, however, Head Start's only fan. Head Start is receiving broad support from both sides of the aisle.

In addition to the support of Mr. FORD, chairman of the Education and Labor, this bill enjoys the support of Mr. GOODLING, the ranking minority member of the Education and Labor Committee, and Mr. FAWELL, the ranking minority member of the Subcommittee on Human Resources. Mr. KILDEE, Ms. LOWEY, and Mr. DE LUGO are also original cosponsors of this bill. President Bush has also shown support for the Head Start Act, and has proposed a $600 million increase in the Head Start appropriations for fiscal year 1993.

Because the Head Start Program is currently serving less than one-third of the eligible population, this infusion of funds would do a lot to increase the numbers of children who could receive the valuable services that Head Start provides. Money, however, is not the only answer to creating an effective Head Start Program.

The bill I am introducing today, the Head Start Improvement Act, would make technical changes to the Head Start Act that would ensure it runs at its most efficient level. Without these technical changes, many of these additional dollars will not be used effectively. Although these changes are small, the Head Start community indicates that these changes are necessary to preserve the quality of Head Start services and to allow existing programs to grow as the appropriations for the programs grow.

Although these changes will greatly increase the efficiency and effectiveness of Head Start services, they will have little or no cost impact on current services, and there are no set asides or new authorization levels. The appropriations bill marked up at the Appropriations Subcommittee on Labor, Health and Human Services and Education provided the additional $600 million for fiscal year 1993.

I have attempted to make this bill as cost free as possible. The changes, which I will outline in a minute, will create dollars, because they will allow the existing dollars appropriated to the Head Start Program to be used more efficiently, ultimately allowing more children to receive better quality Head Start services.

The Head Start improvement bill makes six main modifications to the existing Head Start Act. The bill amends the act:

First, to allow programs to apply for money to purchase their Head Start facilities;

Second, to reformulate the requirements placed on Head Start agencies that need a waiver of non-Federal matching requirements;

Third, to require that the Department of Health and Human Services to issue regulations regarding the safety features, and safe operation, of transportation used by Head Start Programs;

Fourth, to allow younger siblings of Head Start students to qualify for health care benefits under the Head Start Program;

Fifth, to maintain local control of quality improvement money for one additional year;

Sixth, to strengthen the role of parents in the Head Start Act, and to provide the services necessary to allow them to guide their children; and

Seventh, to require the Secretary to review new agencies after the first year of operation and allow for follow-up reviews of existing programs.

The number one priority for the Head Start Programs concerns improving the facilities where Head Start services are administered. Current law prohibits using grant funds for the purchase or construction of facilities. This prohibition creates a number of expensive problems. First of all, Head Start Programs can receive funds for renovating existing space, mostly donated properly. After these renovations are done, the owners have a tendency to reclaim their property, and the money spent on the renovations is lost.

Second, in many cases, the cost of a mortgage payment may be less than the cost of a rental payment. By prohibiting the programs from purchasing a facility, we are actually sacrificing a possible cost-savings for the program.

Last, programs that cannot find stable facilities are faced with the added costs of moving from new location to new location. Allowing programs to purchase facilities would eliminate these problems, while creating virtually no Federal burden. Purchased facilities would be used by the Head Start Program as long as the program exists, and the facilities would either be transferred to a new grantee or would be otherwise sold to another party if the Head Start Program fails to be a grantee.

The second priority of the Head Start Improvement Act is to reformulate the waiver of non-Federal matching requirements. Under current law, the Secretary has the authority to waive the Federal matching requirements as he or she feels is necessary. However, current regulations allows the Secretary to waive the 20 percent match of Federal funds only under two circumstances first, when the average per capital incomes is less than $3,000 in the county which desires the waiver; and second, when the Federal match cannot be met as a result of a natural disaster.

These criteria are extremely limiting; the per capita income option has not been adjusted since the late 1970's. Nearly all counties in the United States now have higher per capita incomes than would be required for the waiver.

In addition, since appropriations have nearly doubled over the last year, the Federal funds are becoming increasingly difficult to match. By modifying the requirements and requiring the Secretary to consider the current needs of the programs, the waivers can be given more fairly and yet still preserve the integrity of the matching requirements and the Secretary's authority to waive them.

The bill also would require the Department of Health and Human Services to provide regulations to Head Start Programs to protect the safety of participants while being transported to and from Head Start facilities. Despite the fact that Head Start Programs own and operate vehicles with which to transport children to the preschool programs, the Department currently does not provide any regulations for purchasing and operating vehicles safely. As Head Start Programs replace their obsolete vehicles, Department regulations would assist them to obtain vehicles that ensure safe transportation for Head Start participants.

The Head Start improvement bill would allow younger siblings of Head Start participants to qualify for the health care benefits which are often donated to the Head Start Programs for free, or are provided through State or local programs.

For most Head Start families, Head Start provides them with the primary access to health care services. Siblings in Head Start families who are too young to be eligible for Head Start are often left without any health care at all. By allowing these children access to the health care services that their siblings are receiving, the quality of life for the entire family would improve.

The Head Start Programs would not be paying for or directly administering health services; the programs would merely be providing assistance in accessing health care services for these families, usually provided to Head Start for free. Therefore, providing those additional siblings with health care access would not significantly impact the cost of Head Start programming.

Current law now gives local Head Start programs the control of its quality improvement money for the first 2 years after the reauthorization and then the following 2 years are controlled by the Secretary. The bill would allow the local programs to maintain control of the moneys for an additional year, because the appropriations level expected in the first 2 years was never realized and local programs were not able to make the quality improvements expected.

The Head Start Improvement Bill revises the parental involvement language to strengthen the role and education of parents whose children are involved in the program. The role that parents play in the Head Start Program, by taking part in literacy and child development skills training, is what makes Head Start a truly unique and exceptional program. By strengthening the parents' involvement and role in the training programs, Head Start can become an even more effective program which not only helps the children enrolled, but also their entire families.

Finally, this Head Start bill amends the act to require that the Secretary review new agencies after only 1 year of operation instead of the 3 years required by current law. Head Start Programs generally develop the procedures and policies necessary to provide comprehensive services to children in this first year. It is critical that new programs receive the guidance of the Department early, so that they can make their services as effective as possible without having to re-invent the wheel. Providing the first review, therefore, is most timely after 1 year.

This amendment will also allow programs to be reviewed more often than every 3 years. Programs that need extra guidance get the attention they require, and programs that are already running effectively can get the necessary assessments, training and technical assistance that will allow them to continue to do so.

The changes made in the Head Start Improvement Bill are minor and inexpensive changes. Yet, these changes, combined with the infusion of money that we are seeing with this year's increased appropriations level, can radically improve the effectiveness of the program and increase the number of low-income children that receive quality educational, health, and nutrition services. I urge you to support the Head Start improvement bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Improvement Act of 1992".

SEC. 2. AMENDMENTS.

(a) ALLOTMENT OF QUALITY IMPROVEMENT FUNDS.—Section 640(a)(3)(B) of the Head Start Act (42 U.S.C. 9835(a)(3)(B)) is amended—

(1) in clauses (i) and (iii) by striking "and second" and inserting ", second, and third", and

(2) in clause (ii) by striking "second" and inserting "third".

(b) PARENTAL SKILLS.—Section 640(a)(4)(B)(i)(II) of the Head Start Act (42 U.S.C. 9835(a)(4)(B)(i)(II)) is amended by inserting ", literacy," after "skills.".

(c) REDUCTION OF REQUIRED AMOUNT OF MATCHING FUNDS.—Section 640(b) of the Head Start Act (42 U.S.C. 9835(b)) is amended—

(1) in the first sentence by striking ", in accordance with regulations establishing objective criteria,", and

(2) by inserting after the first sentence the following:

"For the purpose of making such determination, the Secretary shall take into consideration with respect to the Head Start program involved—

"(1) the lack of resources available in the community that may prevent the Head Start agency from providing all or a portion of the non-Federal contribution that may be required under this subsection;

"(2) the impact of the cost the Head Start agency may incur in initial years it carries out such program:

"(3) the impact of an unanticipated increase in the cost the Head Start agency may incur to carry out such program;

"(4) whether the Head Start agency is located in a community adversely affected by a major disaster; and

"(5) the impact on the community that would result if the Head Start agency ceased to carry out such program.".

(d) ISSUANCE OF TRANSPORTATION SAFETY REGULATIONS.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(i) The Secretary shall issue regulations establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.".

(e) REVIEW OF HEAD START AGENCIES.—Section 641(c)(2) of the Head Start Act (42 U.S.C. 9836(c)(2)) is amended—

(1) by inserting "(A)" after 11(2)", and

(2) by adding at the end the following:

"(B) The Secretary shall conduct a review of each newly designated Head Start agency immediately after the completion of the first year such agency carriers out a Head Start program.

"(C) The Secretary shall conduct followup reviews of Head Start agencies when appropriate.".

(f) DESIGNATION OF HEAD START AGENCIES.—Section 641(d) of the Head Start Act (42 U.S.C. 9836(d)) is amended—

(1) in paragraph (6) by striking "and" at the end, and

(2) by adding at the end the following:

"(8) the plan of such applicant to provide (directly or through referral to educational services available in the community) parents of children who will participate in the proposed Head Start program with child development and literacy skills training in order to attain their full potential; and

"(9) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources.".

(g) POWERS AND FUNCTIONS OF HEAD START AGENCIES.—Section 642(b) of the Head Start Act (42 U.S.C. 9836(b)) is amended—

(1) by striking "and (5)" and inserting "(5)", and

(2) by inserting before the period at the end the following:

"(6) provide (directly or through referral to educational services available in the community) parents of children participating in its Head Start program with child development and literacy skills training in order to aid their children to attain their full potential; and (7) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources.".

(h) ADMINISTRATIVE REQUIREMENTS AND STANDARDS.—Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) by striking "No" and inserting "Except as provided in subsection (f), no",

(2) in the first sentence of subsection (c) by striking "subsection "(a)" and inserting "subsections (a) and(f)", and

(3) by adding at the end the following:

"(f)(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities to be used to carry out Head Start programs.

"(2) Except as provided in section 640(a)(3)(A)(v), financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal, and paying interest on, loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

"(A) a description of the site of the facility proposed to be purchased;

"(B) the plans and specifications of such facility;

"(C) information demonstrating that—

"(i) the proposed purchase will result in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

"(ii) the lack of alternative facilities will prevent the operation of such program; and

"(D) such other information and assurances as the Secretary may require."

(i) TECHNICAL AMENDMENTS.—(1) Section 640 of the Head Start Act (42 U.S.C. 9835) is amended—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in subparagraph (A) by inserting "children" after "handicapped",

(II) in subparagraph (B) by striking "Commonwealth of," and inserting "Commonwealth of", and

(III) in subparagraph (C) by striking "any",

(ii) in paragraph (3)(A)(vi) by striking "section 640(a)(2)(C)" and inserting "paragraph (2)(C)", and

(iii) in paragraph (5)(B)(i) by striking "clause (A)" and inserting "subparagraph (A)", and

(B) in subsection (g) by striking "for all" and inserting "For All".

(2) Section 640A(b) of the Head Start Act (42 U.S.C. 9835a) is amended—

(A) in paragraph (1) by striking "solution" and inserting "solutions", and

(B) in paragraph (7)—

(i) in clause (iii) by striking "the", and

(ii) in clause (iv) by striking "the" the first place it appears.

(3) Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by striking "subtitle" and inserting "subchapter".

(4) Section 643 of the Head Start Act (42 U.S.C. 9838) is amended by striking "the such" and inserting "such".

(5) Section 651(g) of the Head Start Act (42 U.S.C. 9846(g)) is amended—

(A) by striking "physical" and inserting "physical", and

(B) by striking "(g)(1)" and inserting "(g)".

(6) Section 651A of the Head Start Act (42 U.S.C. 9846a) is amended—

(A) in subsection (f) by striking "COMPARISION" and inserting "COMPARISON", and

(B) in subsection (g) by inserting "of title I of the Elementary and Secondary Education Act of 1965" after "chapter 1".

SEC. 3. TECHNICAL AMENDMENTS RELATING TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) PLACEMENT OF ACT.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-236) is amended in the matter preceding paragraph (1) by striking "title IV" and inserting "title VI".

(b) REFERENCES IN DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) in paragraph (7)—

(A) by striking "section 4(b)" and inserting "section 4(e)", and

(B) by striking "(25 U.S.C. 450b(b))" and inserting "(25 U.S.C. 450b(e))", and

(2) in paragraph (14)—

(A) by striking "section 4(c)" and inserting "section 4(l)", and

(B) by striking "(25 U.S.C. 450b(c))" and inserting "(25 U.S.C. 450b(l))".

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to fiscal years beginning before October 1, 1992.

COMMENDATION TO THE RESULTS ORGANIZATION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. JACOBS. Mr. Speaker, RESULTS is a national organization dedicated to effective solutions to poverty, which is to say hunger and inadequate shelter.

By all accounts I have heard, RESULTS gets results because its volunteers are willing to roll up their sleeves and work at the problem.

From what I know about the organization, it is entitled to the commendation of all thoughtful citizens of goodwill.

SATURN'S SUCCESS SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SUNDQUIST. Mr. Speaker, Saturn came to Tennessee in 1985, choosing a quiet farming community to be home to a state-of-the-art automobile plant which would turn out a revolutionary new automobile. We Tennesseans have followed the company's progress with interest and with pride.

I find it worth noting that this car made in Tennessee, Saturn, in the first year in which it is eligible, has been named the best domestic nameplate in customer satisfaction by J.D. Power and Associates. Saturn placed third overall on Power's Customer Satisfaction Index, representing the highest mark ever attained by a domestic car in the 6 years Power has conducted its research.

In addition, in the listing of top automobile models, two Saturn models finished in the top 10 in customer satisfaction. The Saturn SL Sedan was fifth; the Saturn SC Coupe was eighth. They are the only two domestic automobiles to make the top ten.

I call this to the attention of my colleagues because it is now my privilege to represent Spring Hill and many of the men and women who make Saturn cars, and because I believe that the labor-management partnership one observes at Saturn can be both a model and an inspiration. These are American workers making an American product that compares with the best the rest of the world has to offer. That is something worth recognizing.

In a few weeks, Maury County will hold its annual Saturn Appreciation Lunch, at which community leaders will salute those who built Saturn cars and celebrate the partnership of labor and management that sets this company apart. I look forward to joining my constituents and friends in that salute, and I invite my colleagues in this House to join me in recognizing this American success story.

RESOLUTION TRUST CORPORATION ASSET RECOVERY ACT OF 1992

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. LEACH. Mr. Speaker, today I am introducing the Resolution Trust Corporation Asset Recovery Act of 1992. This bill would extend the statute of limitations for Government suits against negligent and corrupt S&L owners from 3 years to 5 years, thereby giving the Government more time to recover a portion of the billions of dollars from those who were responsible for the S&L debacle.

Moreover, I am urging enactment of this bill by the end of the week. Already the 3 year time period has expired on 240 thrifts with the RTC filing suits on only 90 of them as of May 12, 1992.

By August 9, 1992, the third anniversary of the enactment of FIRREA which created the RTC and provided it with an initial $50 billion to resolve the S&L problem, the statute of limitations will have expired on an additional 22 institutions. Once a statute has lapsed, the RTC is prohibited from filing any lawsuits against negligent officers and directors.

Recently, there have been a number of press accounts reporting that the RTC's professional liability section is in disarray, and that experienced litigators and investigators are leaving the unit just as the statute of limitations is expiring on hundreds of failed thrifts.

Last month the RTC filed a $1.3 billion lawsuit, one of its biggest, against officers of an Arizona thrift just minutes before the statute of limitations was ready to expire.

Investigations of failed thrifts is extremely labor intensive. Expeditiously passing this bill would allow RTC more time to gather information and documents, thus shoring up its ability to file suits and ultimately obtain cash recoveries from S&L officers.

The Senate under the leadership of the Senator from Colorado [Mr. WIRTH] has included this legislation in the GSE bill passed by that body on July 1, 1992.

The last time Congress amended FIRREA was before the July 4 recess. Congress took all of 2 days to enact a bill to delay implementation of the capital subsidiaries requirement for thrifts. If Congress can enact a bill within such short time for legislation that will save $480 million in capital writedowns for owners of thrifts, it surely should be able to pass in the next few days this bill which would save millions for the taxpayer.

HAPPY BIRTHDAY TO MAURI JANE FRANKE

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SARPALIUS. Mr. Speaker, during our absence last week there was a very special birthday that took place back in Texas. A beautiful little girl that many in this body have met turned 5 years old on July 16, 1992. Virtually every Member from Texas, Arkansas, New Mexico, and Oklahoma has had Mauri Jane Franke brighten their office when she comes to town with her dad. Mauri Jane, the daughter of Wayne and Jane Franke of Buda, TX, is a beautiful sight when she comes-a-running into your office with that curly brown hair bouncing and those big brown eyes shining. If you're one who has experienced it—you know what I am talking about. It is hard to believe that this little lady who once crawled into Congressman BROOKS' office at the age of 7 months is now on her way to school. The House of Representatives wishes you a happy birthday, Mauri Jane. Come back and see us soon.

MAJ. GEN. RICHARD F. GILLIS RETIRES

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. ROWLAND. Mr. Speaker, Maj. Gen. Richard F. Gillis is retiring after 38 years of service in the Air Force, including the past 4 years as commander of the Warner Robins Air Logistics Center in Warner Robins, GA, one of five logistics centers in the country and Georgia's largest industrial complex.

During his stay in middle Georgia, General Gillis built up the morale of the work force; streamlined base operations; tackled environmental problems; established new programs such as the museum of aviation; spread good will through the community; and did an exemplary job of providing worldwide support for transport aircraft, fighters, helicopters, air-to-air missiles, surface motor vehicles, and high-technology airborne electronics.

He is noted not only for his leadership ability, but also for the friendly, down-to-earth manner in which he carried out his responsibilities.

General Gillis served in a number of Air Force assignments, including a tour of duty with the 45th Tactical Reconnaissance Squadron in South Vietnam, where he flew 100 combat missions and 170 functional test missions in RF–101A/C aircraft.

His military awards and decorations are numerous, including the Distinguished Service Medal; Legion of Merit; Meritorious Service Medal with oak leaf cluster; Air Medal with four oak leaf clusters; Air Force Commendation Medal with two oak leaf clusters; Air Force Outstanding Unit Award with "V" device and oak leaf cluster; Air Force Organizational Excellence Award with oak leaf cluster; Combat Readiness Medal; Good Conduct Medal; National Defense Service Medal; Vietnam Service Medal with five service stars; Air Force Longevity Service Award Ribbon with eight oak leaf clusters; Philippine Presidential Unit Citation; Republic of Vietnam Gallantry Cross with palm, and Republic of Vietnam Campaign Medal.

Mr. Speaker, General Gillis will be missed at the Warner Robins Logistics Center. But he will now have an opportunity to make contributions to his country and his fellow man in other ways. Along with his many friends in middle Georgia, I want to thank General Gillis for all he has done for middle Georgia and to extend our best wishes for many productive and happy years ahead.

TRIBUTE TO PETE KELLY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. BONIOR. Mr. Speaker, on the evening of June 19, 1992, Pete Kelly will be honored at a special dinner at the Gourmet House. I am very pleased to join UAW Local 160 in honoring a longtime friend of the working men and women of our community.

In many ways, Pete Kelly has come to symbolize our commitment to fairness and justice in the workplace and society. For many years, Pete has been an important figure and voice in the labor movement in Michigan. His long record of distinguished service has proven him to be a natural and effective leader. Pete's vision and guidance have always impressed those of us who have had the privilege to know and work with him. His contributions will be truly missed.

Mr. Speaker, on this special occasion of his retirement, I ask that my colleagues join me in saluting Pete Kelly's many years of service and dedication to the labor community in Michigan.

TRIBUTE TO BURNS-UNION HIGH SCHOOL

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SMITH of Oregon. Mr. Speaker, I am pleased to rise today to pay tribute to Burns-Union High School in eastern Oregon. As a school with an enrollment of 341 students, nestled in a community of 3,000, many here today would believe it would be fighting, as many schools in our Nation, a disease whose symptoms reflect a shortage of funds, high drop-out rate, drug affliction, and a lack of community support and guidance. However, Burns High School is setting the pace for both rural and urban schools throughout our country. Recently, the school was honored as one of America's Best in Redbook's First Annual High School Report. The report highlights 140 exceptional public secondary schools throughout the country which exemplify an academic curriculum conducive in the development of a student's ability to meet the needs of the next century. Moreover, Burns High School has the distinction of being the only school in Oregon to twice receive the Department of Education's Blue Ribbon Schools National Award of Excellence. An award based upon a school's success in furthering intellectual growth while developing an effective working relationship between the school, parents, and local community.

As America grapples with educational reform, Burns High School is successfully implementing President Bush's America 2000 agenda, meeting the six national goals established by the Department of Education, and returning educational reform decisions and responsibility back to the local community. The school boasts a low drop-out rate, fosters a school-community drug support and awareness program, integrates the application of technology into the classroom, and advances one of the leading geographic and arts curriculum in the State where instructors have been with the school for over two decades. Yet, it is the link with the Burns community that strengthens the school's overall excellence in education. The community, embodied by blue-collar mill workers and ranchers, is financially hard pressed by years of drought and recent timber shortages. However, the zeal for effective schooling has lead the community to routinely pass school budgets and establish a viable partnership between the local businesses and the school. Clearly, Burns High School, backed by a determined community, has embraced an educational path to prepare students to meet the future demands of community, State, and a Nation.

Mr. Speaker, as a permanent resident and active member in the Burns community and a Burns High School graduate, I stand before you to commend a school and community on the frontier of educational leadership. The winds of change have been blowing in eastern Oregon for years. It's now time for the Nation to take heed and initiate educational reforms to lead all our children into the 21st century.

TEDDY BALLGAME

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. IRELAND. Mr. Speaker, indeed there was major news in America last week. It occurred in San Diego, CA. The city of San Diego saluted one of its greatest sons, Ted Williams. First, the city government decreed that a major highway would be renamed Ted Williams Parkway. The huge, beautiful, green directional signs are already up. The green has major significance, of course, for all the Nations Fenway faithful.

The day after the highway ceremony, the major leagues held their annual All-Star Game. At that game, Ted Williams was given the honor of throwing out the ceremonial first pitch in his hometown. Mr. Speaker, I needn't take up the time of the House to discuss Ted Williams' contributions to this Nation in both the patriotic and sports arenas. Last year he received the Presidential Medal of Freedom and his hometown and major league baseball have honored him in two unique ways this year. Ted deserves these honors and more. Ted Williams, an American hero and patriot for this or any age.

TRIBUTE TO JOHN C. STONE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. LIVINGSTON. Mr. Speaker, I rise today to pay special tribute to a native Louisianian who is leaving public service to rejoin the private sector.

John C. Stone, known to his friends and colleagues as Jay, recently announced that he is leaving the U.S. Department of Energy to become vice president of Van Scoyoc Associates, Inc., a Washington government affairs consulting firm.

The country is losing a distinguished and respected public servant. Jay has spent the last 17 years in various public positions—as administrative assistant to former Congressman W. Henson Moore, as the Washington liaison for the State of Louisiana, as special assistant to President Reagan for legislative affairs, and as executive assistant to the Deputy Secretary of Energy. He achieved these high positions in the government because of his hard work, his dedication to free market principles, and his uncompromising honesty.

Those of us fortunate enough to work with Jay over the years on issues of energy, health, taxes, appropriations, and many others can testify to his integrity, his intelligence, and his preparedness. He has spent many long hours doing staff work that is not often appreciated except by elected and appointed officials who depend on people like Jay. He has never sought public recognition for himself, but has just enjoyed the satisfaction of a job well done. He is one of the unsung heroes of this city and his contribution to the making of public policy will be missed.

Jay's return to the private sector will be a successful one, I am certain, and I wish him all the best. Our State and our country is better off because of his service to the public. I take great pride in saluting him today.

CONGRESS SHOULD TAKE QUICK ACTION ON NUCLEAR NON-PROLIFERATION LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. STARK. Mr. Speaker, with the end of the cold war and the collapse of the Soviet Union, nuclear proliferation is now clearly the leading threat to U.S. national security.

At all costs, we must prevent a dictator like Saddam Hussein from building the bomb—this must become a policy priority. Yet for many years most of us have closed our eyes to this threat, allowing Iraq to come within months of having nuclear weapons.

Over the years, the United States has steadily tightened up its export controls on sensitive nuclear technology while pushing our allies to do the same. Unfortunately, far too many loopholes remained. From the U.N. inspections in Iraq, we now have extensive documentation of Western companies—some from the United States, but mostly from Europe—assisting Saddam in his nuclear ambitions.

Four steps are vital to reducing the proliferation threat:

First, we must further strengthen our export controls on sensitive nuclear and dual-use technology and urge other major industrial countries, especially in Eastern Europe and the former Soviet Union, to do the same.

Second, we should apply sanctions on foreign companies which assist other countries in building nuclear weapons.

Third, we should attempt to strengthen the International Atomic Energy Agency's [IAEA] non-proliferation safeguards and inspections.

Fourth, we should seek to phase out the use of bomb-grade nuclear material, such as plutonium and highly enriched uranium, for civilian purposes around the world.

Fortunately enough, there are currently pending before Congress three initiatives which, if passed, would go a long way toward achieving these critical objectives. These are:

The Omnibus Nuclear Proliferation Control Act of 1992, S. 1128 introduced by the gentleman from Ohio, Senator GLENN, the longtime leading expert on nuclear non-proliferation policy in the Congress. This bill would add a wide array of sanctions on companies, financial institutions, and countries which help further the proliferation of nuclear weapons. This important legislation passed the Senate on a voice vote in April. I added some provisions of S. 1128 to H.R. 5100, the Trade Enhancement Act, when it came before the House Ways and Means Committee. H.R. 5100 passed the House earlier this month, and is currently pending in the Senate.

The Nuclear Proliferation Prevention Act, H.R. 2755, introduced by my colleagues from Massachusetts, Mr. MARKEY, New York, Mr. SOLOMON, Michigan, Mr. WOLPE, and myself. H.R. 2755 would strengthen U.S. export controls, phaseout U.S. exports of bomb-grade uranium, and direct the President to seek other countries to adopt similar controls. If foreign companies or countries then violate these newly adopted international controls, the President is directed to apply sanctions on them. This bill was added to the Export Administration Reauthorization, which is currently pending in House-Senate conference.

A joint resolution outlining 21 steps to strengthen the International Atomic Energy Agency, House Joint Resolution 351 in the House and Senate Joint Resolution 216 in the other body. This initiative was developed by myself and the gentleman from Ohio, Senator GLENN, with whom I was very pleased to work on such an important issue. This legislation is currently pending in the House and the Senate.

Mr. Speaker, I say to my colleagues and the administration that we are running out of time this year to address this critical issue. We should act immediately on at least one, if not all three of these important initiatives before the next Saddam really does build the ultimate weapon.

TRIBUTE TO EIVIND H. "IVY" JOHANSEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. LANTOS. Mr. Speaker, it is my privilege and pleasure to commend Eivind H. "Ivy" Johansen upon his retirement as president of the National Industries for the Severely Handicapped [NISH]. Since taking the helm in 1979, Ivy has been an excellent leader of this progressive and effective agency.

As chairman of the Government Operations Subcommittee on Employment and Housing, with jurisdiction over the Javits-Wagner-O'Day Act [JWOD] under which NISH acts as a supporting non-profit agency, I have come to know about the work that NISH has done under the able leadership of Ivy Johansen.

JWOD's programs provide jobs for Americans who are blind or have severe disabilities by setting aside government contracts which are suitable to the capabilities of these individuals. Everybody wins: JWOD gives much needed work to people who have severe disabilities, most of whom are unwillingly unemployed; and the government gets quality products and services—to exact Federal specifications and delivered on time at fair market prices. The American taxpayer saves doubly, because JWOD turns individuals who otherwise would be tax users into taxpayers.

The role of NISH within the JWOD program is to help the non-profit rehabilitation agencies who employ people with severe disabilities to obtain government contracts and then satisfactorily meet these contracts for goods and services. In 1990, 17,140 persons with severe disabilities were employed at 398 NISH affiliates throughout the Nation.

The program continues to grow. In the past year, new Federal contracts were approved with expected employment for 3,440 more individuals. These figures are all quadruple what they were when Ivy became CEO of NISH 13 years ago.

After a successful Army career, Ivy retired as a three-star general despite a personal appeal by the Chief of Staff of the Army that he reconsider his decision to leave the military. In 1979, Ivy joined 5-year-old NISH in order to continue with his interest in procurement programs for the severely disabled which began with his assignment in the early 1960's with the Quartermaster General's office providing support for JWOD's administrating agency.

In many respects, the history of NISH and its accomplishments is a record of Ivy's personal achievements. The professional standards and work ethic he brought with him to his new career were impeccable. Having taken the reins of an organization that was having to borrow money to meet its payroll, he turned it around with his intensive management style and attention to detail.

The JWOD Act itself, quality management of the NISH staff, and the readiness of the rehabilitation community to participate in the JWOD program were all essential elements of success—but there was one more piece of the equation which was needed to achieve results: the support of the Federal procurement agencies which purchase the products and services required by the government.

There is no doubt that the outstanding reputation of integrity and professionalism that Ivy earned while serving in the Army helped to open doors for him as he sold the JWOD program to government procurement agencies. He did not rely on favors or arm twisting.

Knowing that procurement officers are interested in quality products and services delivered on time and at fair prices, Ivy concentrated NISH's resources to ensure that goods and services provided through JWOD not only met these requirements, but exceeded the performance of commercial contractors. This policy has paid large dividends over the years—dividends expressed by procurement agencies that now seek out JWOD producers as a source of supply.

I know I speak for Ivy and everyone associated with the JWOD program in citing the proudest aspect of JWOD contracts. JWOD has meant jobs to thousands of Americans with severe disabilities. Last year's payroll for NISH employees was $60 million.

In the last 10 years of Ivy's tenure at NISH, some $345 million in wages were paid all told—the average wage is $5 per hour, with vacation, health and welfare fringe benefits in addition for individuals severely handicapped and often unable to find any type of employment in the private sector.

Yet with training and experience, some of the severely disabled workers on JWOD contracts graduate to mainstream employment where employers rate disabled workers very favorably in terms of low turnover, low absenteeism, high morale, and dedication.

Last year's national emergency of Desert Storm proved that people who have severe disabilities can still get the job done. Department of Defense officials commended the JWOD team for taking quick action and ensuring timely deliveries and for providing some of the finest support to the armed services our country can offer. As a retired Army lieutenant general, Ivy was proud of all the JWOD employees who rose to the extraordinary demands dictated by the gulf war.

Mr. Speaker, as a result of Ivy's leadership, thousands of individuals with severe disabilities are participating in the American dream—work, independence, and most of all dignity. This is a legacy that anyone would be proud of. I commend Ivy for his dedication and leadership and I ask my colleagues to join me in paying tribute to him today.

A SPECIAL TRIBUTE TO CURTIS G. MATTHEWS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. STOKES. Mr. Speaker, I am saddened to inform my colleagues of the recent passing of Curtis G. Matthews. For many years he operated Matthews Apothecary in Washington, DC. On Thursday, July 23, 1992, family, friends, and colleagues will gather at DuPont Park Church to celebrate the life of Dr. Matthews. I want to share with my colleagues some of the highlights of his distinguished career.

Curtis G. Matthews was born in Bessemer, AL. Upon completion of high school, he joined the U.S. Marine Corps, where he achieved the rank of staff sergeant. Following his discharge from the Marine Corps, Curtis Matthews embraced pharmacy as his career choice. He graduated from the Howard University School of Pharmacy.

For nearly 25 years, Matthews Apothecary was open to the Washington metropolitan community. As a pharmacist, Dr. Matthews earned a reputation as a hard worker, a caring individual, and a good friend to all who knew him. While operating Matthews Apothecary, he also served as an instructor at his alma mater. In addition, Dr. Matthews is the author of numerous articles on disease and medicine. After his pharmacy closed its doors, Dr. Matthews went to work at Walter Reed Army Medical Center. He retired in October 1991 after 12 years of dedicated service.

Mr. Speaker, Dr. Matthews leaves to mourn his passing his loving wife, Montrose, and his daughter, Sharon. In addition, he leaves a host of family members, colleagues, and

friends who will always remember his kind smile and words of encouragement. Although we are saddened to note the passing of Dr. Matthews, we know that he will never be forgotten. I extend my deepest sympathy to the Matthews family during this time of sorrow.

JUNE IS TURKEY LOVERS' MONTH

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. PENNY. Mr. Speaker, the U.S. turkey industry has grown significantly and changed dramatically during the last half-century, but one thing has remained constant: Minnesota has continued to be one of the industry's undisputed leaders in production, innovation, and technology.

That's why I'd like to join Governor Arne Carlson in congratulating the Minnesota Turkey Growers' Association and the National Turkey Federation on their recently completed, highly successful "June is Turkey Lovers' Month" campaign.

The most recent USDA figures tell the story of Minnesota's heavy involvement in the turkey industry. Last year alone, more than 46 million turkeys were raised in our State, making Minnesota the second-largest turkey producing State in the Nation. Our production represents 16 percent of the total U.S. production.

And, since many of the turkeys grown in Minnesota are grown in my district, I also can attest personally to the positive economic impact the industry has on our State. The industry employs more than 50,000 people statewide—both directly and indirectly—and production generates more than $298 million in annual gross value for more than 500 farms across the State.

Minnesotans take great pride in those numbers, and they know their leadership role didn't happen by accident. It took a tremendous amount of hard work and dedication to build the modern turkey industry, and Minnesota's turkey growers and processors are determined to translate those past successes into an even brighter future. That's one reason more Minnesota turkey growers have served as president of the National Turkey Federation than any other State. Consider this honor roll:

John Wickliffe, 1989; Vance Larson, 1986; John Holden, 1985; Glen Harder, 1977; Lloyd Peterson, 1970; Glen Thurnbeck, 1960; and Graydon, McCulley, 1949.

With turkey consumption rising rapidly across the State, and across the Nation, I have every confidence the turkey industry will enjoy success for many years to come. I am equally confident that you will see many, many Minnesotans playing a key role in that success story.

Thank you, Mr. Speaker, and again, congratulations to the Minnesota Turkey Growers Association and the National Turkey Federation for another successful "June is Turkey Lovers' Month" campaign.

A TRIBUTE TO THE MEMORY OF OPAL CHAPMAN, TEACHER

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. CHANDLER. Mr. Speaker, I rise today to remember and share with my colleagues the memory of a dear lady, one of my high school teachers. Opal Chapman passed on recently after an extended illness. She was 86 years of age.

For those of us who attended La Grande High School in the 1950's and 1960's, Mrs. Chapman was far more than a teacher. She was a friend and an inspiration. She brought a contagious spirit to the classroom with a warmth and enthusiasm which attracted us to the poetry, literature, and writing lesson of the day. Her teaching career spanned a 40-year period and included assignments in Lostine and Medford, OR, Emmett, ID and, of course, La Grande.

If she were not around, we students affectionately called her Opal. But we admired and respected her far too much to be so informal in her presence. We had fun in her class but it was because she made the lessons enjoyable. If a student did something funny, she enjoyed the heartiest laugh. But it was back to business then, and business was appreciating the great writers and story tellers of the ages.

I can say in all honesty that I probably would not be standing here in the United States House of Representatives today had it not been for Opal Chapman. In the hot summer of 1982 my first congressional campaign was really struggling. We were engaged in a spirited primary against two exceptional opponents and voters were slow to decide their favorite. Funds were difficult to raise and volunteers were distracted by an unusually warm and pleasant summer in the Pacific Northwest. It was so bad that a lot of my supporters and advisers wanted to fold the campaign and quit. I needed a dose of encouragement and the memory of my high school English teacher was all it took.

As I pondered what to do, I recalled the winter day in 1959 when Mrs. Chapman had become exasperated with my poetry reading performance. She wanted classmembers to interpret the work, capture the feeling, and read the poem as the author had intended. But I was a basketball star and, in my view, big guys like that did not read poetry with feeling. Well, not only did Mrs. Chapman think otherwise, but she cared enough about her student to push him beyond his self-imposed limits. It was to become an inspiration I would never forget.

She took me out to the hallway—just the two of us—away from the snickers of a room full of teenagers. She poked me in the chest, rising on her tiptoes to reach her gangly poetry reader:

Rod Chandler, if you would ever live up to half your potential, you would really amount to something.

Those were her exact words and her admonition has served to inspire me on numerous occasions. Not only did I go back to class and give that poem a shot, but in July of 1982, with Opal Chapman's words ringing in my memory, I recommitted myself to the congressional campaign. And won.

In the spring of 1982 I was the commencement speaker at La Grande High. Of course, I related to the graduates my experience with all the good teachers of LHS. But I made a special point of relating the poetry-reading incident and expressing to those students the great affection I held for Opal Chapman.

To my delight—and no surprise at all—Mrs. Chapman was there in the audience that night. She had been retired for years but she still was interested in "her kids." And, having been a speech teacher, you can bet she wanted to hear the remarks of one of her former students who put her lessons to work every day in a political career. That night she heard me share an experience with the graduates which had helped shape my life. She knew, from my testimony, how giving of herself had produced a profound impact on a young man who needed loving encouragement at a time when lives are shaped and molded—cast for years to come. Yes, she remembered it too, but she had no idea how moving the experience had been to me.

American authors and fine poetry were far more important to Mrs. Chapman than basketball teams or big tournaments. But she understood her students and she knew exactly how to weave the thread of her courses into the entire education experience. She did so with grace, dignity, and good humor.

She lived a long life and touched many souls, mine just one among them. She was devoted to her husband Lloyd. And, she was a mother. Her son Jim was an exceptional student, especially in the technical fields—math and science. She was very proud of him. She was also a devoted member of her beloved United Methodist Church. I never heard of anyone who did not like her.

If God sets aside a special place in heaven for gentle, loving people who make a difference, I sure know where Opal Chapman is right now.

As I complete this tribute to her, one question sticks in my mind. What grade would she give me? I can just hear her.

"Rod, it is very good but I know you can do better." A pat on the back and a challenge for next time. She most certainly would "red-line" that incomplete sentence. What a wonderful lady. What a tremendous teacher. Thank you, Opal.

TRIBUTE TO THE NEW HAMPSHIRE MUSIC FESTIVAL ON ITS 40TH ANNIVERSARY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SWETT. Mr. Speaker, I rise today to extend my warmest congratulations to the New Hampshire Music Festival, which is this year celebrating 40 years of music making for the people of New Hampshire.

For four decades the festival has been dedicated to filling our lives with music, bringing to New Hampshire a variety of orchestral pro-

grams, chamber concerts, and solo artists. In the summer, the festival's high season, musicians from all over the country come together for 6 weeks in Plymouth and Gilford, NH, to make up the festival orchestra, the oldest professional orchestra in the State. During the rest of the year, local groups come to provide the area with nearly 300 classical performances, and the festival continues its commitment to education throughout central and northern New Hampshire through its Music-in-the-Schools Program.

The festival's outstanding work is well known and recognized. In just the past 15 years, the New Hampshire Music Festival has received eight awards from the American Society of Composers, Authors and Publishers for its programming, and it has been honored with the corporate fund's "Excellence in Management" award for it's strong fiscal management and contribution to New Hampshire communities.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the New Hampshire Music Festival on this, their 40th year anniversary. Music truly enriches our lives, and we appreciate the dedication of the New Hampshire Music Festival in sharing the glories of music with us.

UPON THE OPENING OF MERCY SOUTHWEST HOSPITAL IN BAKERSFIELD, CA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. THOMAS of California. Mr. Speaker, it is with great pleasure that I announce the opening of a new hospital in my district, Mercy Southwest Hospital.

For over 80 years Mercy Healthcare Bakersfield has provided quality health care to the citizens of Kern County, since the first Mercy Hospital was founded by the Sisters of Mercy in 1910. The medical and administrative staff of Mercy Healthcare Bakersfield provide outstanding medical care in a spirit of dignity and hospitality.

To meet the growing need for health care in Kern County, Mercy Healthcare Bakersfield has opened a second hospital in Bakersfield. This 67-bed facility will focus on the delivery of convenient, cost-efficient medical services—birth center, pediatric unit, surgical services, medical center, diagnostic and support services—to the growing number of Kern County residents. In addition, the new hospital, located next to California State University at Bakersfield, will provide educational services to the next generation of health care providers.

Mercy Southwest Hospital, with an emphasis on outpatient and short stay services and on filling the need for prenatal and pediatric services in the county, represents a milestone in the provision of quality health care services in Kern County. I am proud to recognize the outstanding efforts of the hospital administrator and its staff in bringing this vital project to its fruition.

RECOGNITION OF THE VETERANS ADMINISTRATION MEDICAL CENTER IN PROVIDENCE, R.I.

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today in recognition of the outstanding standards and qualifications of the Veterans Administration Medical Center in Providence, RI, which has earned the hospital special commendation as one of the top 6 percent of accredited VA facilities in the Nation.

I proudly credit this success to the hard work and attention to detail of each and every staff member at the VA hospital. The medical center serves honorably discharged veterans with an extraordinary record of exceptional dedication to quality care. The services provided by the VA hospital are indispensable to the veterans who have served our Nation with valor. To this community a commitment to excellence in medicine and in patient care is essential and also greatly appreciated.

Again, I congratulate Director Edward H. Seiler and the efforts of the entire staff at the Providence VA Medical Center and thank them for all that they have contributed to the community. I admire the pride they take in demanding perfection at their facility and the select rating they have achieved is due reward. I wish the best for all the staff members in their future endeavors.

TRIBUTE TO DR. ELLEN SHULMAN BAKER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SCHEUER. Mr. Speaker, all Americans were proud when, on July 9th, the space shuttle Columbia landed after setting a record for the longest American flight and performing many important scientific and medical experiments.

However, the people of Queens County and, in particular, the Bayside community are justified in feeling special gratification and delight because one of the seven crew members was Dr. Ellen Shulman Baker, who grew up in the area and, we are all pleased to note, still considers the neighborhood her hometown.

Dr. Baker graduated from local public and intermediate schools and Bayside High School. As a youth, she was involved in community programs and sports organizations.

She continued her education in New York State, receiving a bachelor of arts degree in geology from the State University of New York at Buffalo in 1974, and a doctorate of medicine from Cornell University in 1978.

She began her service to the Nation with NASA in 1981 as a medical officer assigned to the Flight Medicine Clinic at the Lyndon B. Johnson Space Center before being selected to become an astronaut in 1984, completing her training the following year.

As a crew member aboard the Shuttle Orbiter Atlantis in October 1989, she played a key role in the deployment of the Galileo spacecraft.

During Columbia's record-smashing journey of 14 days, 5.76 million miles, and 221 orbits, Dr. Baker and other crew members performed experiments in medical research which will benefit all mankind, assured the safety of future space flights, and broadened our knowledge in several fields of science.

I am confident the entire House joins me in paying tribute to this courageous, dedicated American and NASA astronaut.

INTRODUCTION OF LEGISLATION REGARDING FIREARM VIOLENCE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1992

Mr. SCHUMER. Mr. Speaker, today I am introducing three bills which will make law enforcement more effective in stemming the rising tide of firearm violence that currently afflicts our country.

The first bill, the "stop rearming Felons Act of 1992," will help keep firearms out of the hands of convicted felons. The bill would amend title 18 of the United States Code to prevent certain convicted felons from regaining access to firearms. Under current Federal law it is generally unlawful for a convicted felon to possess a firearm. However, the law was amended in 1986 to allow the definition of conviction to be determined according to the law of the jurisdiction in which the proceedings were held. The 1986 amendment also provided that any conviction which has been expunged, set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered a conviction for purposes of this chapter unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms. In other words, if the State restores the felon's right to possess firearms, by whatever summary procedure it chooses, then the felon's Federal firearm disabilities are nullified as well and he may once again legally possess firearms under both State and Federal law—Federal law is effectively frustrated.

The problem with the current act is that many states allow restoration of firearms rights with little or no individual review. In some cases, the offender can literally go from his jail cell to a gun shop and legally purchase a weapon.

The lack of uniformity in state law in regard to imposition of and relief from firearm disabilities resulting from a criminal conviction creates serious problems for Federal law enforcement officials. For instance, while most States prohibit possession of all firearms by those convicted of felonies, 13 States only place restrictions on a felon's right to possess certain types of guns, and 3 States impose absolutely no firearm restrictions on those convicted of a felony. Moreover, while some states require careful review by a judicial or administrative body before granting relief from firearm disabilities, some states automatically grant relief without review after a certain period of time or upon completion of the sentence.

Since Federal firearms disability is contingent upon these disparate State practices, the Federal Government's efforts to prevent felons from possessing firearms are severely hindered. The fact that last year over a half a million innocent American citizens were confronted by criminals armed with handguns illustrates all too clearly the pressing need for Federal/State cooperation on this issue.

To eradicate these problems in enforcement and prosecution today I have introduced a bill which would permanently bar anyone convicted of a violent or serious drug felony from legally possessing firearms under Federal law. For offenders convicted of other felonies, they would only be eligible for restoration of their firearms privileges if the State restoration procedure involved an individualized review and assessment of the offender's suitability. This will ensure that no felons have their firearm rights restored automatically, without a review.

The second bill I am introducing today, the "Firearm Law Enforcement Assistance Act of 1992", would make it easier for law enforcement officials to enforce the federal firearms laws and keep guns out of the wrong hands. This bill would require federally licensed gun dealers to inform local law enforcement officials whenever two or more handguns are purchased by the same person within a 30-day period. Current law requires reporting to the treasury secretary only if the multiple dispositions occur within a 5-day period. This period is insufficient, because it would allow a person to legally purchase a gun every six business days which could result in the accumulation of 7 handguns in a mere month-long period without triggering any reporting requirements. By the time BATF noticed these peculiar multiple sales in their annual review of the gun dealer's sales records, it would be too late to prevent the purchaser from reselling the arms to criminals or to the ever-widening black market. It is necessary to alert local law enforcement officials of multiple sales to enable them to take immediate action if they suspect illegal redistribution or use in criminal activity.

This bill would also require that applicants for Federal firearms licenses must demonstrate compliance with all State and local requirements imposed on firearms dealers. In addition, the application must include a statement from the chief of police of the locality, or the sheriff of the county, in which the applicant will conduct such business. This statement shall certify that there is no information currently available to indicate that the applicant is ineligible to obtain such a license under the law of the State or locality. Such measures are necessary, because the current application standards are too lax. If we are serious about keeping guns out of the hands of criminals, then we must enact tougher standards for gun licensing such as the ones contained in this bill.

The third bill I am introducing today, the "Firearms Tracing Assistance Act of 1992," would help BATF officials gain immediate access to firearms tracing information when investigating a criminal offense involving a firearm. This would enable agents to more quickly identify violent offenders and place them in custody.

The bill would require Federal firearms licensees to provide such firearms record information as may be necessary to aid in the tracing of firearms in the course of a law enforcement investigation. This bill adds no new recordkeeping requirements—licensees are already required to keep and report this information. The bill merely allows BATF to promulgate regulations to establish convenient access to this information when needed by law enforcement. Because BATF is legally prohibited from keeping a centralized computer data base of firearms transactions, tracing a weapon used in a crime is time-consuming, labor-intensive, and ultimately impossible without the prompt cooperation of the gun manufacturer and dealer. This bill gives BATF the ability to guarantee this cooperation.

H.R. 5634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Rearming Felons Act of 1992".

SEC. 2. CLARIFICATION OF DEFINITION OF CONVICTION.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the 1st sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the 2nd sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the 3rd sentence and inserting the following:

"(C) Any State conviction which has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered a conviction for purposes of this chapter if—

"(i) the expungement, set aside, pardon, or restoration of civil rights applies to a named person and expressly authorizes the person to ship, transport, receive, and possess firearms; and

"(ii) the State authority granting the expungement, set aside, pardon, or restoration of civil rights has expressly determined that the circumstances regarding the conviction, and the person's record and reputation, are such that—

"(I) the applicant will not be likely to act in a manner dangerous to public safety; and

"(II) the granting of the relief would not be contrary to the public interest.

"(D) Subparagraph (C) shall not apply to a conviction of a violent felony (as defined in section 924(e)(2)(B)) or of a serious drug offense (as defined in section 924(e)(2)(A)).".

H.R. 5633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearms Law Enforcement Assistance Act of 1992".

SEC. 2. REPORTING OF MULTIPLE FIREARMS SALES.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "thirty"; and

(2) by adding at the end the following: "Each licensee shall forward a copy of the report to the chief law enforcement officer of the place of residence of the unlicensed person not later than the close of business on the date that the multiple sale or disposition occurs.".

SEC. 3. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS REQUIRED BEFORE ISSUANCE OF FEDERAL FIREARMS LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) in the case of an application for a license to engage in the business of dealing in firearms—

"(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision thereof in which the applicant conducts or intends to conduct such business;

"(ii) the business to be conducted pursuant to the license is not prohibited by the law of the State or locality in which the business premises is located; and

"(iii) the application includes a written statement which—

"(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

"(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.".

H.R. 5632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearms Tracing Assistance Act of 1992".

SEC. 2. FIREARMS TRACING.

(a) PROVISION OF RECORD INFORMATION.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

"(6) Each licensee shall, at such times and under such conditions as the Secretary shall prescribe by regulation, provide all record information required to be kept by this chapter, or such lesser information as the Secretary may specify, as may be required for determining the disposition of a firearm in the course of law enforcement investigation.".

(b) NO CRIMINAL PENALTY.—Section 924(a)(1)(D) of such title is amended by adding at the end the following: "except section 923(g)(6),".